

5. Lots 1-2, Block 2, Pinhurst 7th Addition Replat – PUD Amendment (JT)	15
<i>Staff recommendation: schedule a hearing <input type="checkbox"/> schedule a hearing <input type="checkbox"/> table <input type="checkbox"/> deny</i>	
6. Off-site Parking Lots – Zoning Ordinance Text Amendment (Klee).....	27
<i>Staff recommendation: schedule a hearing <input type="checkbox"/> schedule a hearing <input type="checkbox"/> table <input type="checkbox"/> deny</i>	

REGULAR AGENDA

FINAL CONSIDERATION/PUBLIC HEARINGS

The following items are requests for final action and forwarding to the City Commission.

7. Southbay 5th Addition (JW)	
a. Annexation	31
<i>Staff recommendation: approve <input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny</i>	
b. Zoning Change (A & RR to R5 & R10).....	35
<i>Staff recommendation: approve <input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny</i>	
c. Final Plat.....	39
<i>Staff recommendation: approve <input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny</i>	
8. Evergreen Ridge Addition (Klee)	
a. Annexation	43
<i>Staff recommendation: approve <input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny</i>	
b. Zoning Change (RR to R5 & PUD).....	47
<i>Staff recommendation: approve <input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny</i>	
c. Final Plat.....	61
<i>Staff recommendation: approve <input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny</i>	
9. Kilber North 2nd Addition First Replat – Zoning Change (R10 & RM10 to R10) (JT) ..	69
<i>Staff recommendation: approve <input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny</i>	
10. Lots 1 & 2, Block 1, Hamilton's First Addition – Zoning Change (PUD to RM15) (JT)	73
<i>Staff recommendation: approve <input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny</i>	
11. Off-street Parking and Loading/Joint Use of Parking – Zoning Ordinance Text Amendment (Klee).....	83
<i>Staff recommendation: approve <input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny</i>	
12. Appeal Procedures – Zoning Ordinance Text Amendment (CW/Klee).....	87
<i>Staff recommendation: approve <input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny</i>	

13. RM District/Single Family Provisions - Zoning Ordinance Text Amendment (Klee) 95

Staff recommendation: approve

☐approve ☐continue ☐table ☐deny

14. Religious Institutions – Zoning Ordinance Text Amendment (Klee)..... 97

Staff recommendation: approve

☐approve ☐continue ☐table ☐deny

OTHER BUSINESS

15. Other

ADJOURNMENT

16. Adjourn. The next regular meeting date is scheduled for Wednesday, April 23, 2014.

Enclosures: Meeting Minutes of February 26, 2014
 Building Permit Activity Report for February 2014

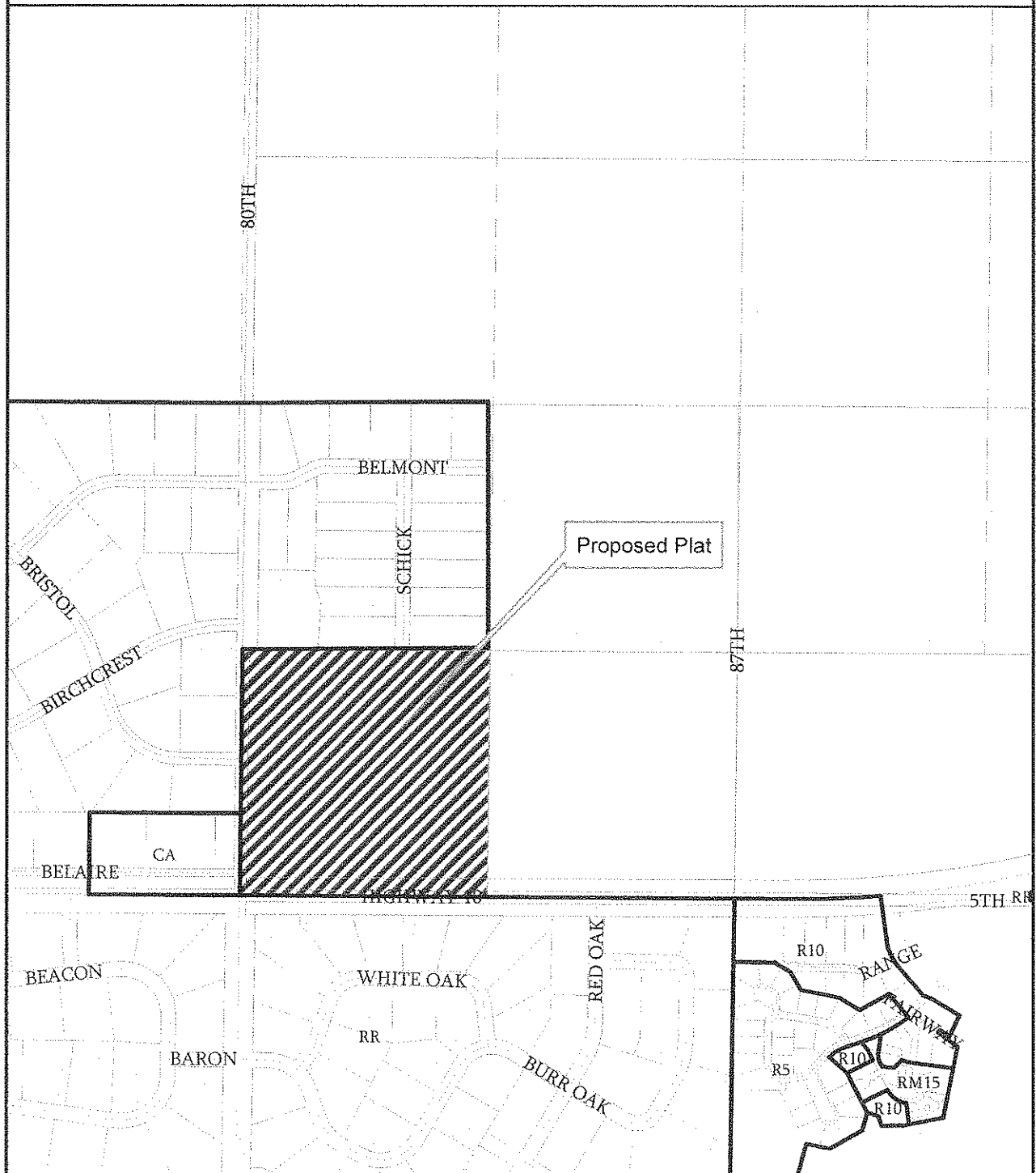
**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:	
Title: Willow View Estates Subdivision – Zoning Change (A to RR)	
Status: Planning Commission – Consideration	Date: March 26, 2014
Owner(s): Odin Tollefson	Engineer: Houston Engineering
Reason for Request: Plat and rezone property for rural residential development.	
Location: East of Bismarck, along the north side of County Highway 10 and the east side of 80 th Street NE. (SW¼ of the SW¼ Section 33, T139N-R80W/Gibbs Township)	
Project Size: 39.97 acres	Number of Lots: 16 lots in 3 blocks
EXISTING CONDITIONS:	PROPOSED CONDITIONS:
Land Use: Agriculture	Land Use: Rural residential
Zoning: A-Agriculture	Zoning: RR-Residential
Uses Allowed: Agriculture	Uses Allowed: Rural residential and limited agriculture
Maximum Density Allowed: One unit per 40 acres	Maximum Density Allowed: One unit per 65,000 square feet
PROPERTY HISTORY:	
Zoned: ---	Platted: ---
FINDINGS:	
<ol style="list-style-type: none"> 1. The proposed zoning change would be consistent with the current Land Use Plan, which identifies the long range use of this area as Urban Residential (Bismarck-Mandan Regional Future Land Use Plan). The Future Land Use Plan in the draft Growth Management Plan Update identifies the future use of this area as rural residential. 2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include rural residential to the north, rural residential and partially developed neighborhood commercial property to the west across 80th Street NE, rural residential to the south across County Highway 10 and agricultural to the east. 3. The subdivision proposed for this property would be served by South Central Regional Water District and would have access to 80th Street Northeast via internal streets; therefore the proposed zoning change would not place an undue burden on public services. 4. The proposed zoning change would not adversely affect property in the vicinity. 5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations. 6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice. 	

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing for the zoning change for Willow View Estates Subdivision from the A-Agriculture zoning district to the RR – Rural Residential zoning district.

Proposed Plat and Zoning Change (A to RR) Willow View Estates Subdivision

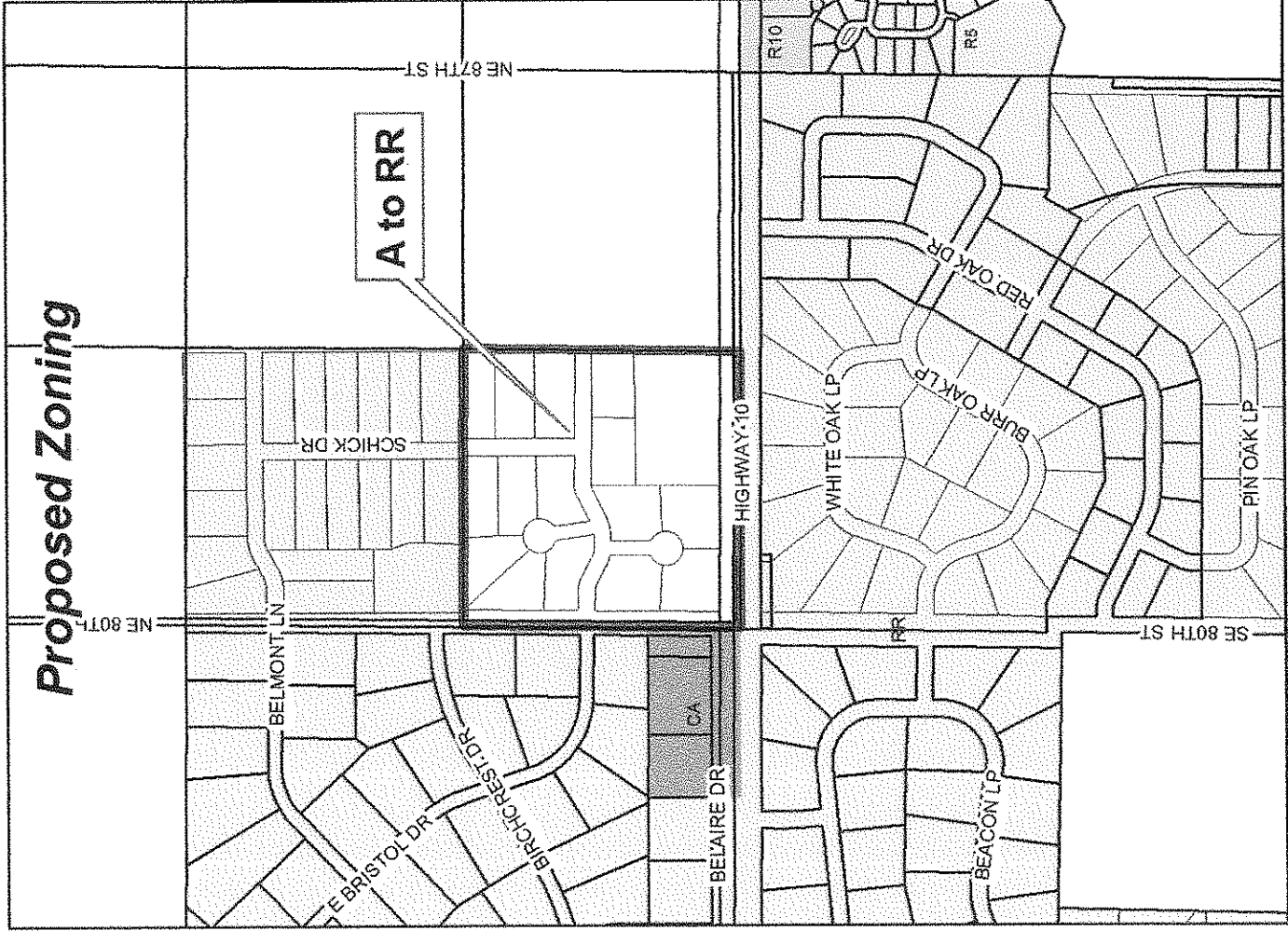
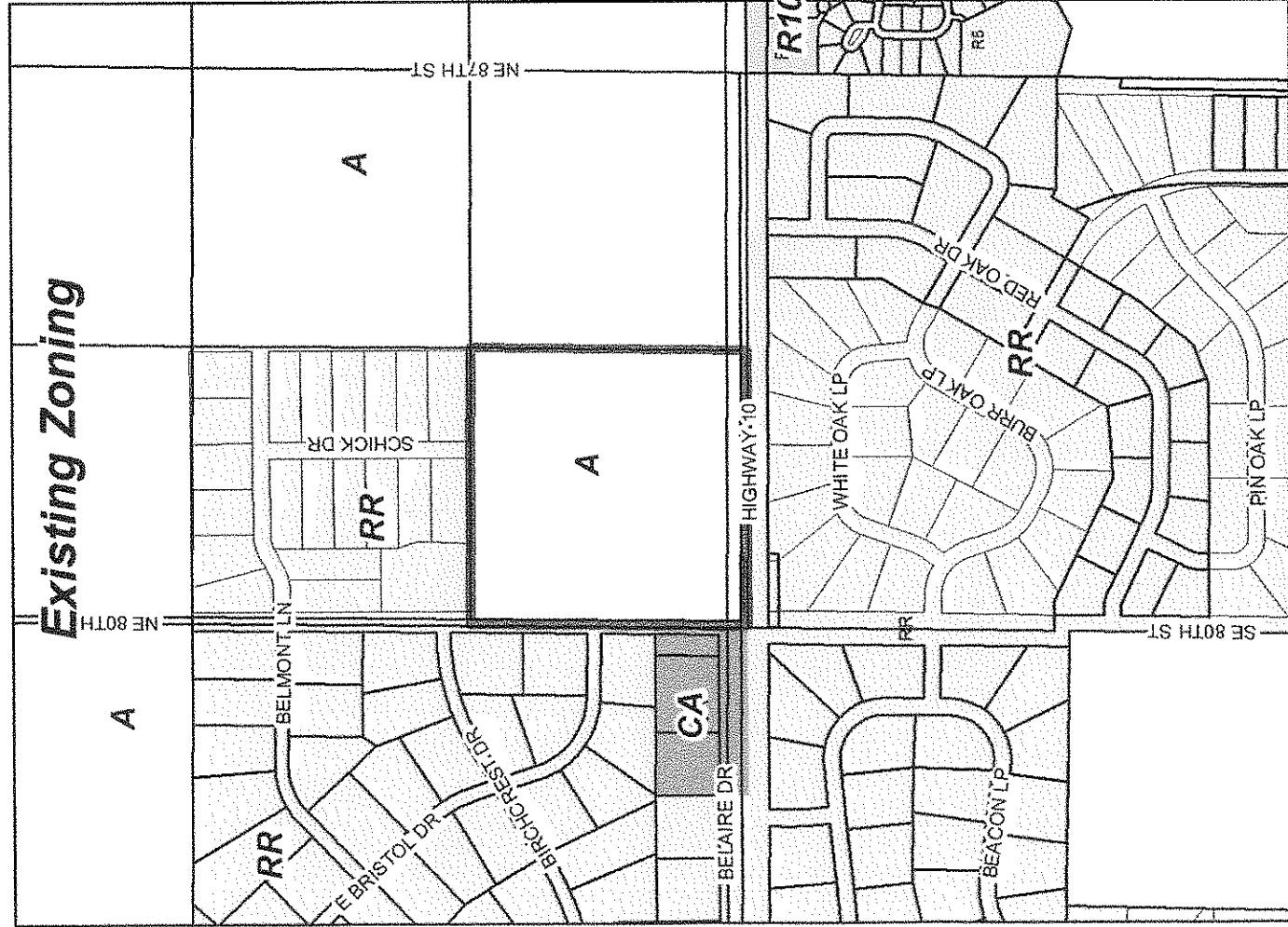


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Map was Updated/Created: February 24, 2014 (hlb)

Source: City of Bismarck

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Willow View Estates - Zoning Change



BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

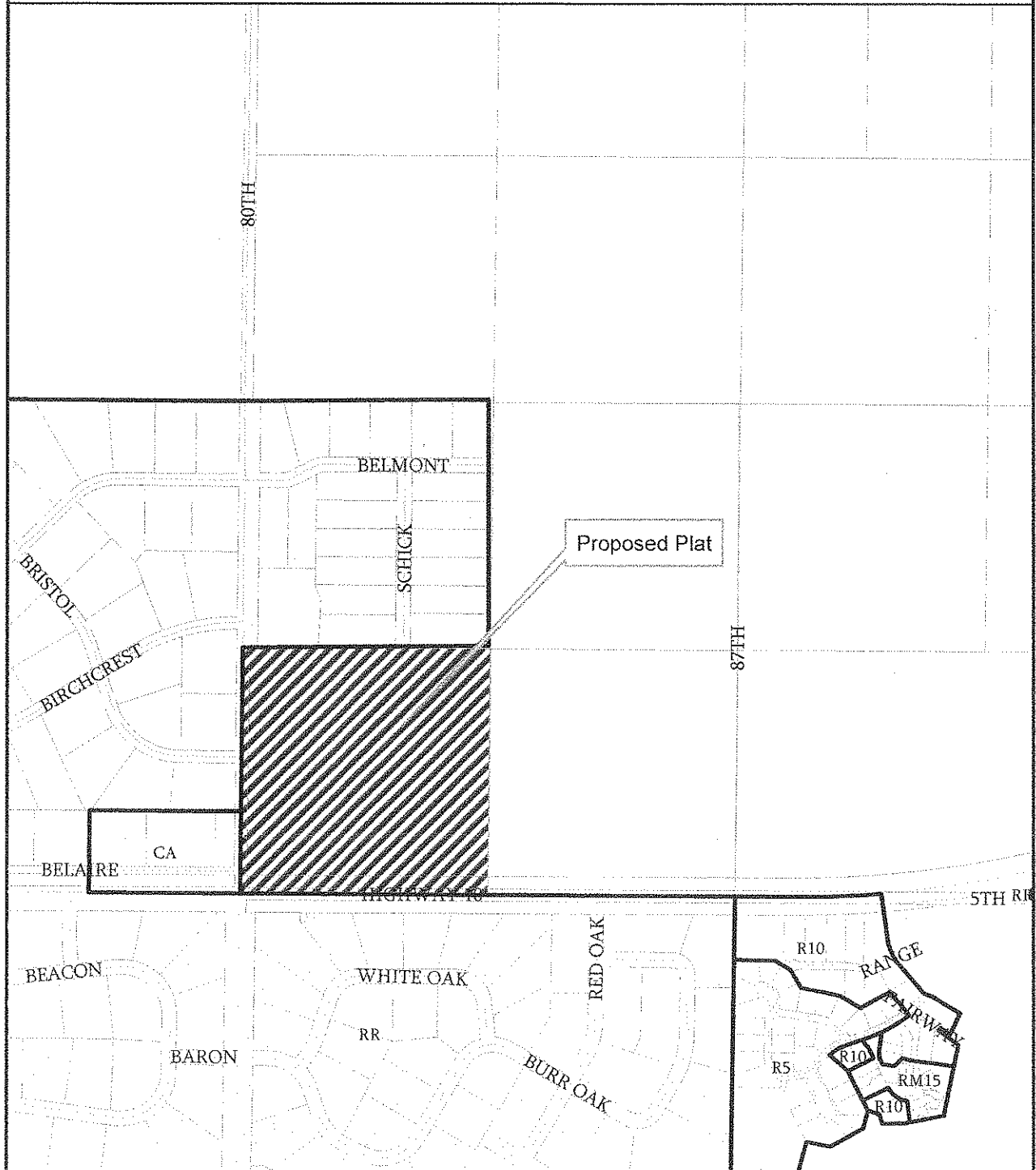
BACKGROUND:	
Title: Willow View Estates Subdivision – Preliminary Plat	
Status: Planning Commission – Consideration	Date: March 26, 2014
Owner(s): Odin Tollefson	Engineer: Houston Engineering
Reason for Request: Plat and rezone property for rural residential development.	
Location: East of Bismarck, along the north side of County Highway 10 and the east side of 80 th Street NE. (SW¼ of the SW¼ Section 33, 139N-R80W/Gibbs Township)	
Project Size: 39.97 acres	Number of Lots: 16 lots in 3 blocks
EXISTING CONDITIONS:	
Land Use: Agriculture	Land Use: Rural residential
Zoning: A – Agriculture	Zoning: RR – Residential
Uses Allowed: Agriculture	Uses Allowed: Rural residential & limited agriculture
Maximum Density Allowed: One unit per 40 acres	Maximum Density Allowed: One unit per 65,000 square feet
PROPERTY HISTORY:	
Zoned: ---	Platted: ---
ADDITIONAL INFORMATION:	
<p>1. The applicant is requesting the use of two cul-de-sacs for this development and has submitted written justification for this request. Section 14-09-05(1)(m) of the City Code of Ordinances (Subdivision Regulations)(Design Standards) states, “the use of cul-de-sac streets shall be limited in order to promote a well-connected street network that provides for safe, direct and convenient access by vehicles, bicycles and pedestrians. Cul-de-sac streets may be permitted in instances where there is no reasonable opportunity to provide for future connections to adjoining streets, including natural barriers such as topography or water features, man-made barriers such as railroad tracks, or to discourage through traffic between incompatible land uses. Detailed written justification for the use of cul-de-sac streets in proposed subdivision plats shall be provided as part of the plat application process.” Based on these criteria, staff has no objection to the use of the two cul-de-sacs in this location.</p>	
FINDINGS:	
<p>1. All technical requirements for consideration of a preliminary plat have been met.</p> <p>2. The proposed subdivision is generally consistent with the Fringe Area Road Master Plan for this area, which identifies both 80th Street NE and County Highway 10 as arterial roadways.</p> <p style="text-align: right;"><i>(continued)</i></p>	

3. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include rural residential to the north, rural residential and partially developed neighborhood commercial property to the west across 80th Street NE, rural residential to the south across County Highway 10 and agricultural to the east.
4. The subdivision proposed for this property would be served by South Central Regional Water District and would have access to 80th Street NE via internal streets; therefore the proposed zoning change would not place an undue burden on public services.
5. The proposed subdivision would not adversely affect property in the vicinity.
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
7. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends tentative approval of the preliminary plat for Willow View Estates Subdivision, including the granting a waiver for the use of two cul-de-sacs.

Proposed Plat and Zoning Change (A to RR) Willow View Estates Subdivision



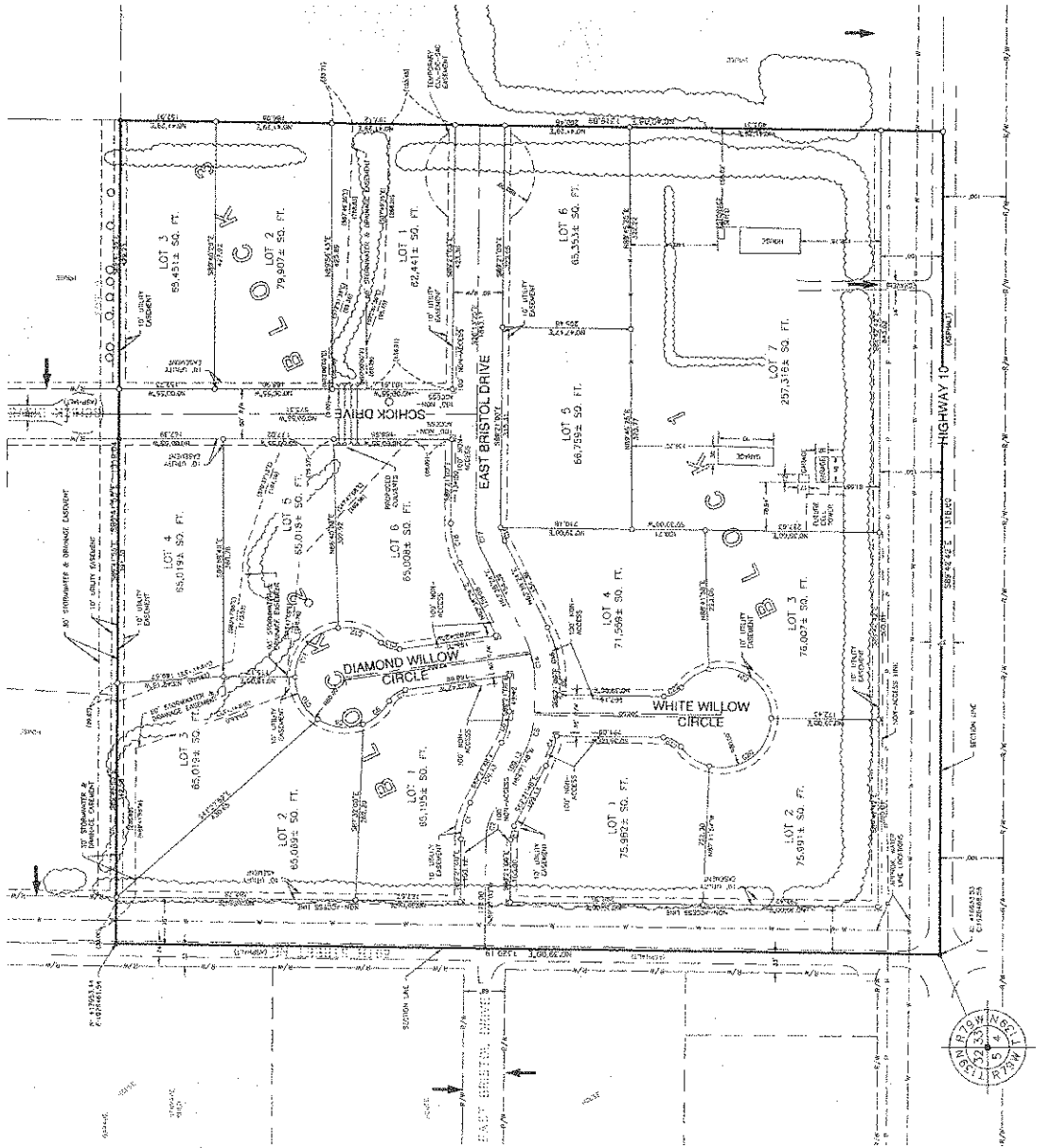
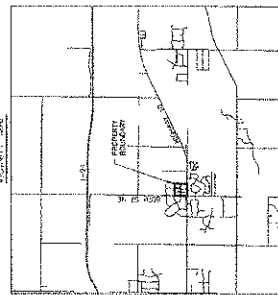
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Map was Updated/Created: February 24, 2014 (hib)

Source: City of Bismarck

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Feet




PRELIMINARY PLAT
WILLOW VIEW ESTATES SUBDIVISION
SOUTHWEST QUARTER, OF SECTION 33, TOWNSHIP 139 NORTH, RANGE 79 WEST
THE 5TH PRINCIPAL MERIDIAN IN BURLEIGH COUNTY, NORTH DAKOTA.

[illegible]

NOTE: CREDIT RISK IN ANNUAL INFORMATION REPORTING TO REMAIN UNLESS ADVISED BY FIDUCIARY OWNER

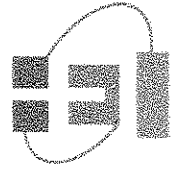
THE FOLLOWING INFORMATION WAS OBTAINED FROM THE RECORDS OF THE BUREAU OF THE ARMY, DEPARTMENT OF THE ARMY, WASHINGTON, D. C.:

2000

 Houston Engineering Inc. 10000 Westchase Lane Houston, Texas 77036	Telephone 713/261-2000 Telex 710000
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Cul-de-sac Justification

Willow View Estates Subdivision



Houston Engineering Inc.

To: City of Bismarck

From: Michael H. Gunsch

Date: 2-20-14

Subject: Justification of Cul-de-sacs

The use of a cul-de-sac on White Willow Circle is due to the Non-Access line along Highway 10.

The use of a cul-de-sac on Diamond Willow Circle is due to no platted right of way within the Rainbow Acres Subdivision just north of the preliminary plat.

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

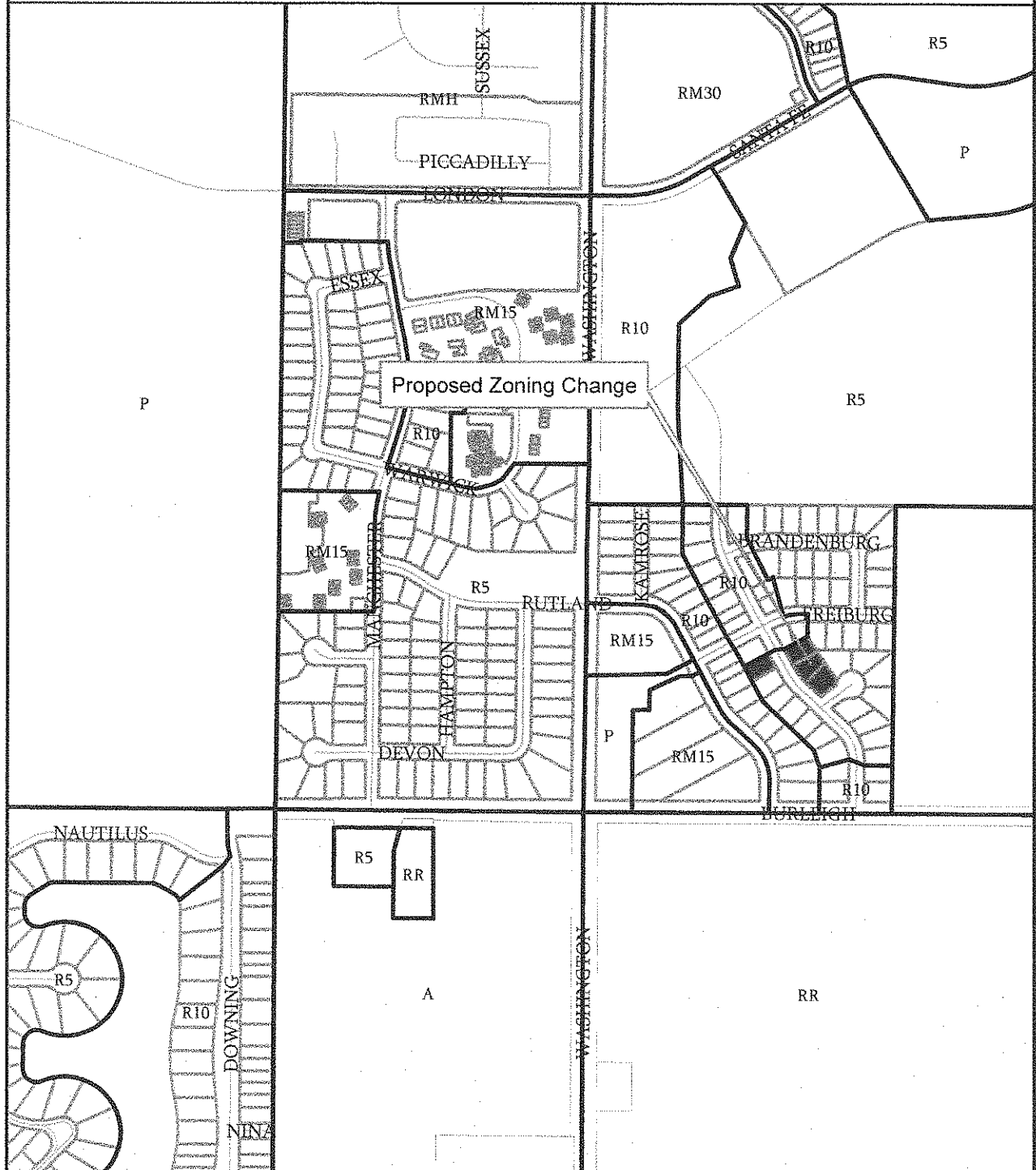
BACKGROUND:		
Title: Lots 2-4, Block 4 and Lot 2, Block 5, Huber Real Estate Trust First Addition -- Zoning Change (R5 to R10)		
Status: Planning Commission – Consideration	Date: March 26, 2014	
Owner(s): Verity Homes of Bismarck, LLC	Engineer: Swenson, Hagen & Co.	
Reason for Request: Zone property for single and two-family residential development.		
Location: In south Bismarck along the east side of South Washington Street along Dortmund Drive just south of the intersection Freiburg Land and Dortmund Drive.		
Project Size: 0.67 acres/37,738 SF	Number of Lots: 4 lots in 2 blocks	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: R5 – residential	Land Use: Two-family residential	
Uses Allowed: R5 – Single-family residential	Zoning: R10 – Residential	
Maximum Density Allowed: R5 – units/acre	Uses Allowed: R10 – Single and two-family residential	
	Maximum Density Allowed: R10 – 10 units/acre	
PROPERTY HISTORY:		
Zoned: 10/1979 & 09/2008 (portion)	Platted: 10/79	Annexed: 06/07
FINDINGS:		
<ol style="list-style-type: none"> 1. The proposed zoning change is outside the boundaries of the Land Use Plan. 2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include developing single and two-family land uses to the north and west, undeveloped multi-family zoned land along South Washington Street to the west, developing single-family land uses to the east and developing single and two-family land uses to the south. 3. The entire subdivision is already annexed; therefore, it would not place an undue burden on public services and facilities. 4. The proposed zoning change would not adversely affect property in the vicinity. 5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations. 		
<i>(continued)</i>		

6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing on the zoning change from the R5 – Residential zoning district to the R10-Residential district for Lots 2-4, Block 4 and Lot 2, Block 5, Huber Real Estate Trust First Addition.

Proposed Zoning Change (R5 to R10) Lots 2-4, Block 4 and Lot 2, Block 5 Huber Real Estate Trust First Addition



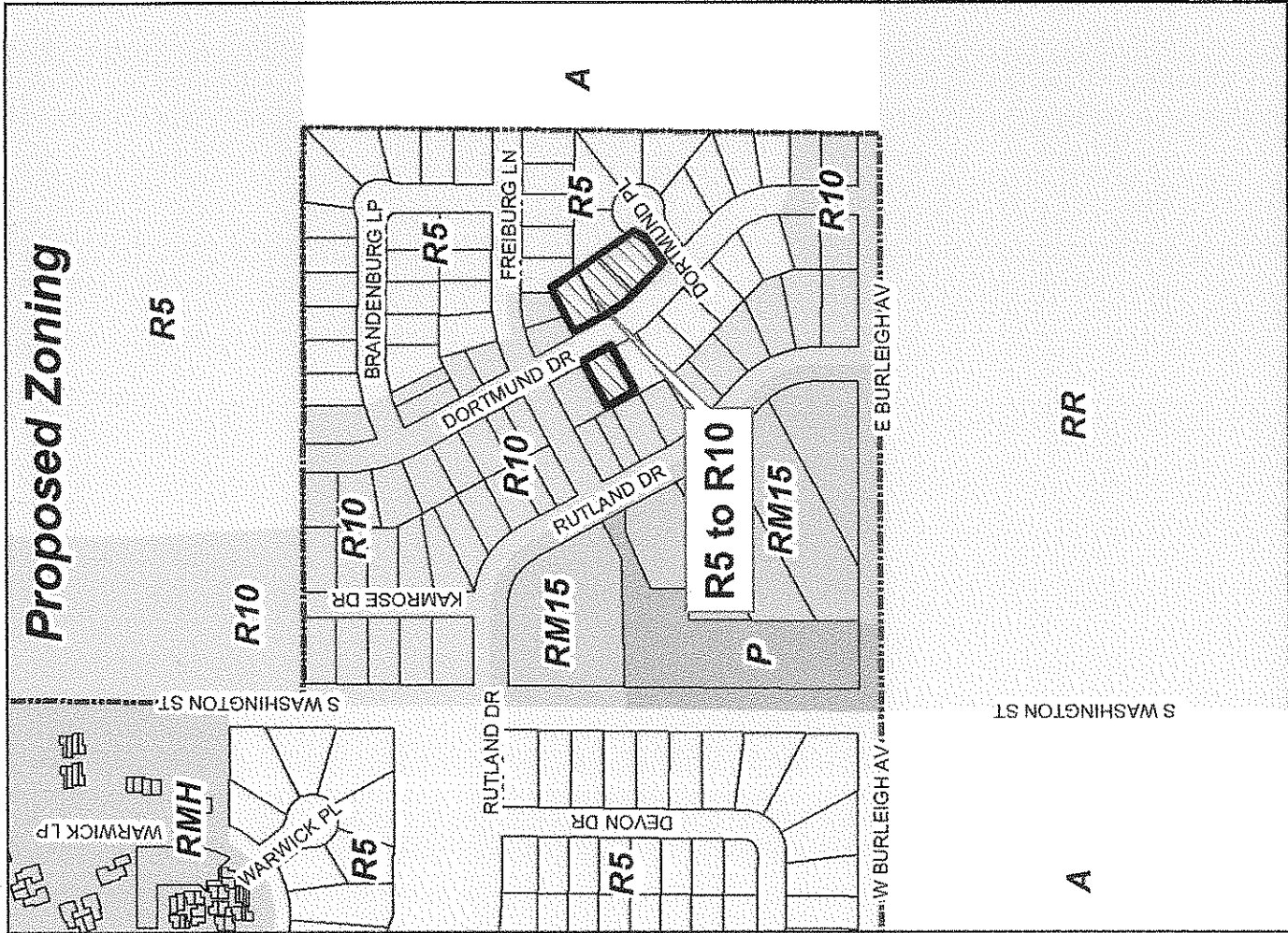
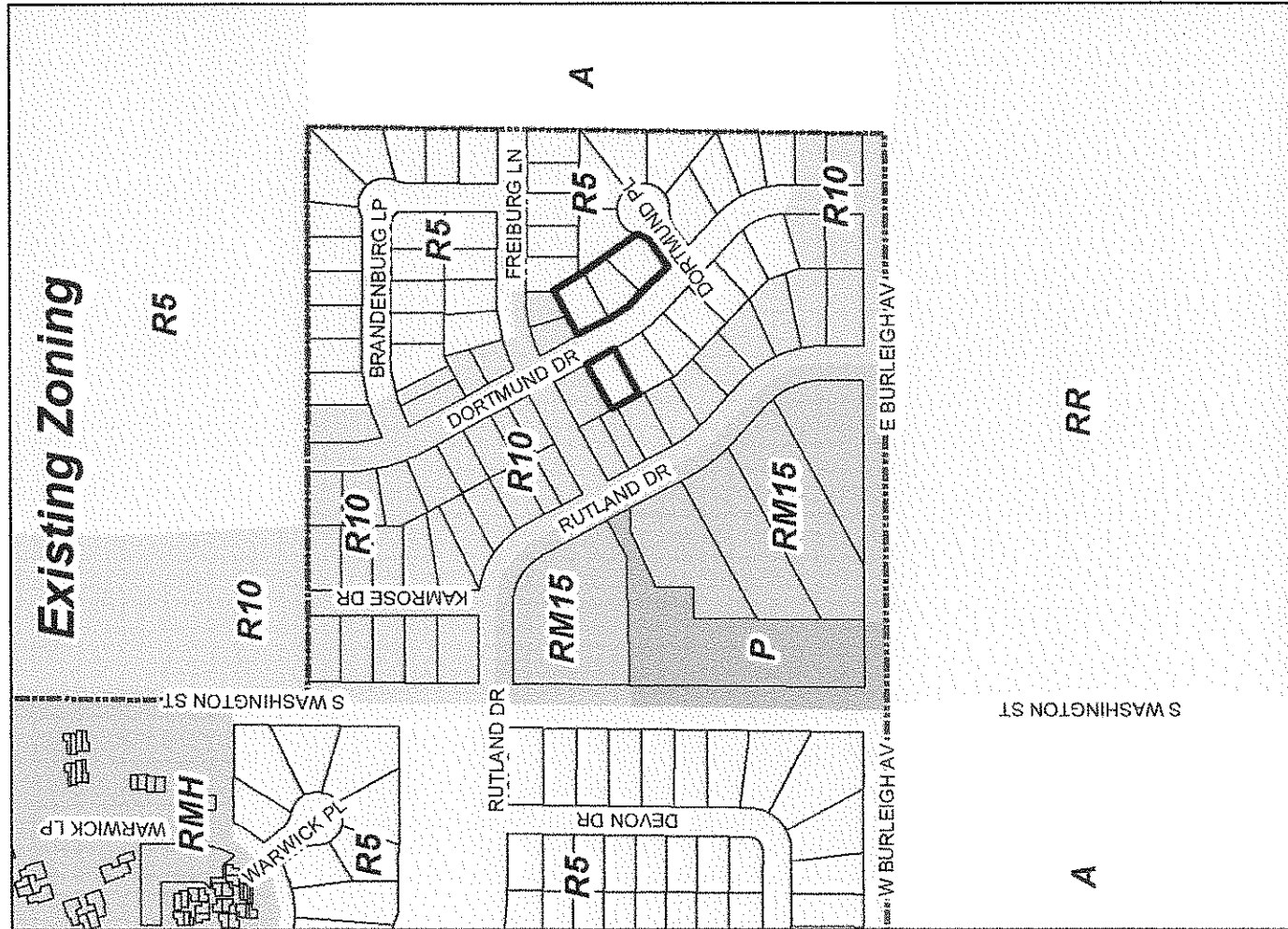
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 Map was Updated/Created: February 24, 2014 (hib)

Source: City of Bismarck

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 Feet



Lots 2-4, Block 4 and Lot 2, Block 5, Huber Real Estate Trust Addition - Zoning Change



March 2014

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Pinehurst 7 th Addition – PUD Amendment		
Status: Planning Commission – Consideration	Date: March 26, 2014	
Owner(s): Touchmark on West Century, LLC (owner) Touchmark Development (applicant)	Consultant: LRS Architects	
Reason for Request: To amend the Planned Unit Development (PUD) zoning district to allow a 2-story basic care addition to the main building; a new 4-story, 56-unit congregate care building, three duplex (6 units) residential cottages and a maintenance building. The increased dwelling unit count would increase from 250 units to 350 units over the entire facility.		
Location: In west Bismarck along the west side of West Century Avenue and the north side of West Interstate Avenue (1000 West Century Avenue).		
Project Size: 17.93 acres +/-	Number of Lots: 2 lots in 1 block	
EXISTING CONDITIONS:		
Land Use: 250 dwelling unit congregate/assisted living facility	PROPOSED CONDITIONS:	
Land Use: 350 dwelling unit congregate/assisted living facility		
Zoning: PUD – Planned Unit Development	Zoning: PUD – Planned Unit Development	
Uses Allowed: Congregate care building, duplex residential cottages and assisted living units	Uses Allowed: Uses specified in PUD, as amended	
Maximum Density Allowed: Specified in PUD (13.94 units/acre overall)	Maximum Density Allowed: Specified in PUD, as amended (19.52 units/acre overall)	
PROPERTY HISTORY:		
Zoned: 05/1998 (PUD)	Platted: 11/2002 (replat)	Annexed: 05/1993
FINDINGS:		
<ol style="list-style-type: none"> 1. Section 14-04-18 of the Bismarck Code of Ordinances (Zoning) indicates that the intent of the City's Planned Unit Development district is "to encourage flexibility in development of land in order to promote its most appropriate use; to improve the design, character and quality of new development; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic features of open space." A copy of this section is attached. 2. The original PUD was approved in May 1998 and included a total of 250 units on 17.93 acres (13.94 units per acre overall density) within a continuum of care development concept. Permits have since been issued for 154 units in the first two phases of development on Lot 1 (138 congregate/assisted units in the main building and 16 units in two and three-unit cottages along Century Avenue). The original plan called for another 96 units to be constructed on Lot 2 (76 congregate/assisted units and 20 units in cottages). 		

(continued)

3. In January 2007, the PUD was amended to allow the development of three 30-unit condominium buildings for seniors. The 30-unit condominiums are noted on the attached site plan as a future phase that is separate from the phase that would include the units identified with this application.
4. The required site plan and written statement for the PUD amendment have been submitted by the applicant and are attached. The PUD amendment as proposed would change the development concept throughout the facility and would include a new 4-story, 56-unit congregate care building, three duplex (6 units) residential cottages and a maintenance building. The increased dwelling unit count would increase from 250 units to 350 units over the entire facility.
5. The proposed zoning change would be generally compatible with adjacent land uses. Adjacent land uses include the MDU Resources campus and a proposed hotel to the west, a City of Bismarck water reservoir and a proposed office building to the northwest, single-family dwellings to the north across Country West Road, Centennial Elementary School across West Century Avenue to the east, and the Pinehurst retail development to the south.
6. The internal street circulation system is adequately designed for the type of traffic generated. The existing access location on West Century Avenue will not change. One access point on West Interstate Avenue will be closed and reconfigured for off-street parking. This area would be addressed during the site plan review process.
7. The entire property is currently within City limits; therefore the proposed zoning change would not place an undue burden on public services.
8. The proposed PUD amendment does preserve the natural features of the property inasmuch as possible.
9. The proposed PUD amendment is consistent with the general intent and purpose of the zoning ordinance.
10. The proposed PUD amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing for the Planned Unit Development amendment for Lots 1-2, Block 2, Pinehurst 7th Addition Replat, which would allow a 2-story basic care addition to the main building; a new 4-story, 56-unit congregate care building, three duplex (6 units) residential cottages and a maintenance building and an increase in the dwelling unit count from 250 units to 350 units over the entire facility.

[illegible]

Source: City of Bismarck



0 550 1,100 Feet

720 NW Davis
Suite 300
Portland OR 97209
503.221.1121
503.221.2077
www.lrsarchitects.com

MEMORANDUM

To: Rick Wessell

Joe Billig

Project Name: TBND - Phase 3 IL, MC, Pre-MC

Project Number: 213273

Subject: PUD Narrative

Date: Wednesday, February 19, 2014

Remarks:

Amendment to the Existing Planned Unit Development (PUD) Approval

With this application we respectfully request City of Bismarck's approval for an amendment to the existing Planned Unit Development. The original PUD was approved on June 9, 1998. The second amendment was approved on January 24, 2007. This application requests an increase to the dwelling unit density by adding a 2 story, 32 unit addition to Phase 2, a 56 unit, 4 story Congregate Care building, including parking on the lowest level and 3 duplexes (6 units). The existing density is 13.88 DU/AC.

Address: 1000 W. Century Ave. Bismarck, ND 58503
Lot: Lot 1 and 2, Block 2, Pinehurst 7th Addition
Project Zone: PUD
Project Area: 17.93 Acres (781,220 sf)
Final Proposed Units: 350 Units
Final Proposed Density: 19.5 DU/AC
Land Use: Residential

In May 1998, the property was rezoned to PUD and included a total of 250 units on 17.93 acres. 154 units on Lot 1 and 96 units on Lot 2. Lot 2 consisted of 76 congregate/assisted units + 20 units in cottages.

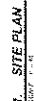
Phases 1 and 2 included 154 units on Lot 1 (138 congregate/assisted + 16 units in two and three unit cottages).

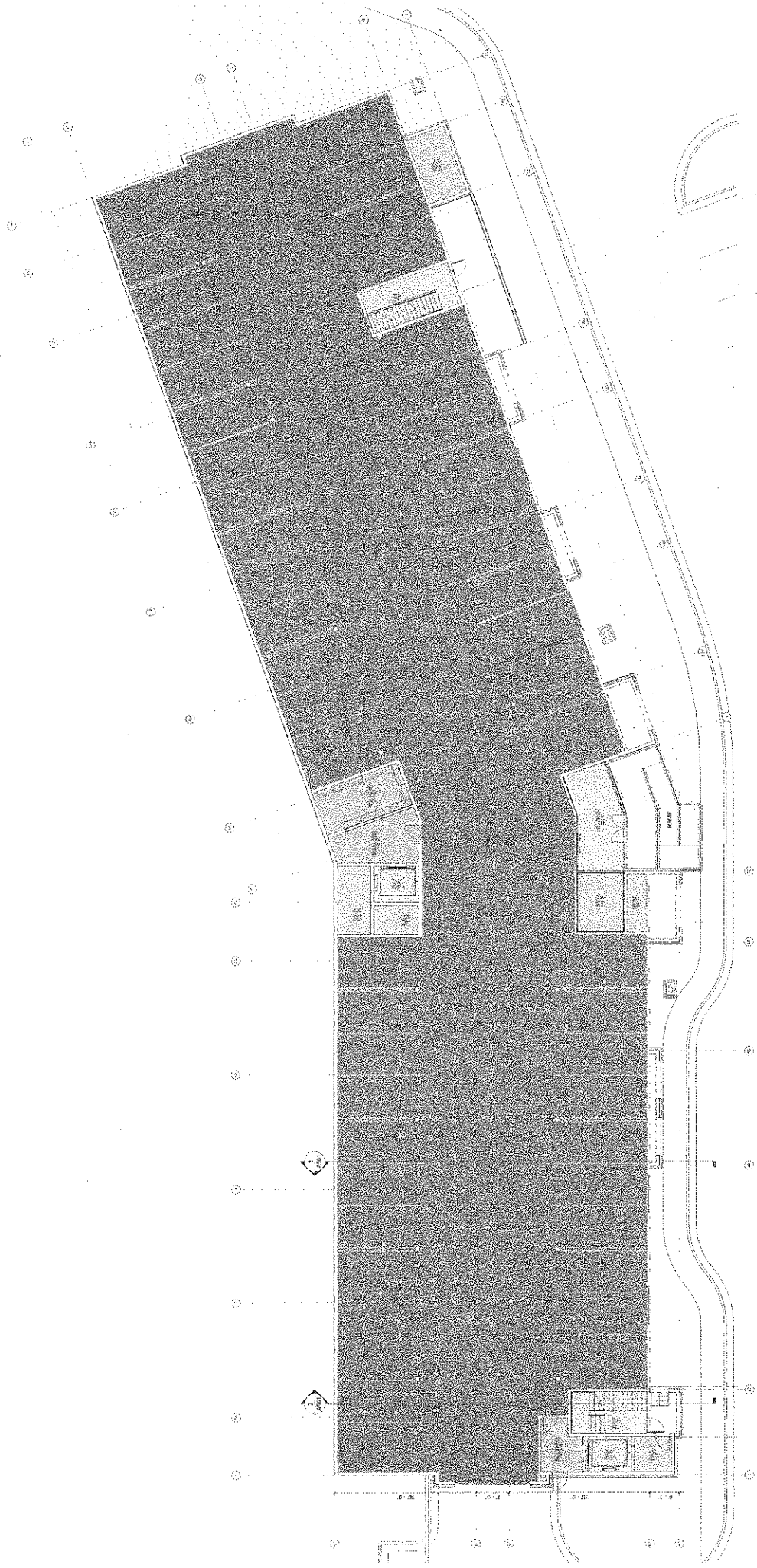
In January 2007, an approval for a PUD amendment was granted to change Lot 2 to include 90 units in three 30 unit, three story condominiums plus a floor of parking.

The proposed project (Phase 3) includes a 56 unit congregate care building, a 32 unit Basic Care addition, a 1 story maintenance building, 3 duplex cottages and minor site work. The duplex cottages are on Lot 2 and the remaining buildings are on Lot 1.

The plan includes future development on Lot 2 including 3 buildings with between 24-33 unit each with parking below.

Landscaping is proposed to be more finished and manicured around the buildings, at access points and key common areas. A large portion of the site below interior circulation roads is planned to be maintained as natural. Common areas of the surrounding grounds and each building will be maintained by a homeowners association.





FIRST FLOOR - INDEPENDENT LIVING





SECOND FLOOR - INDEPENDENT LIVING

DATE: 07/21/14

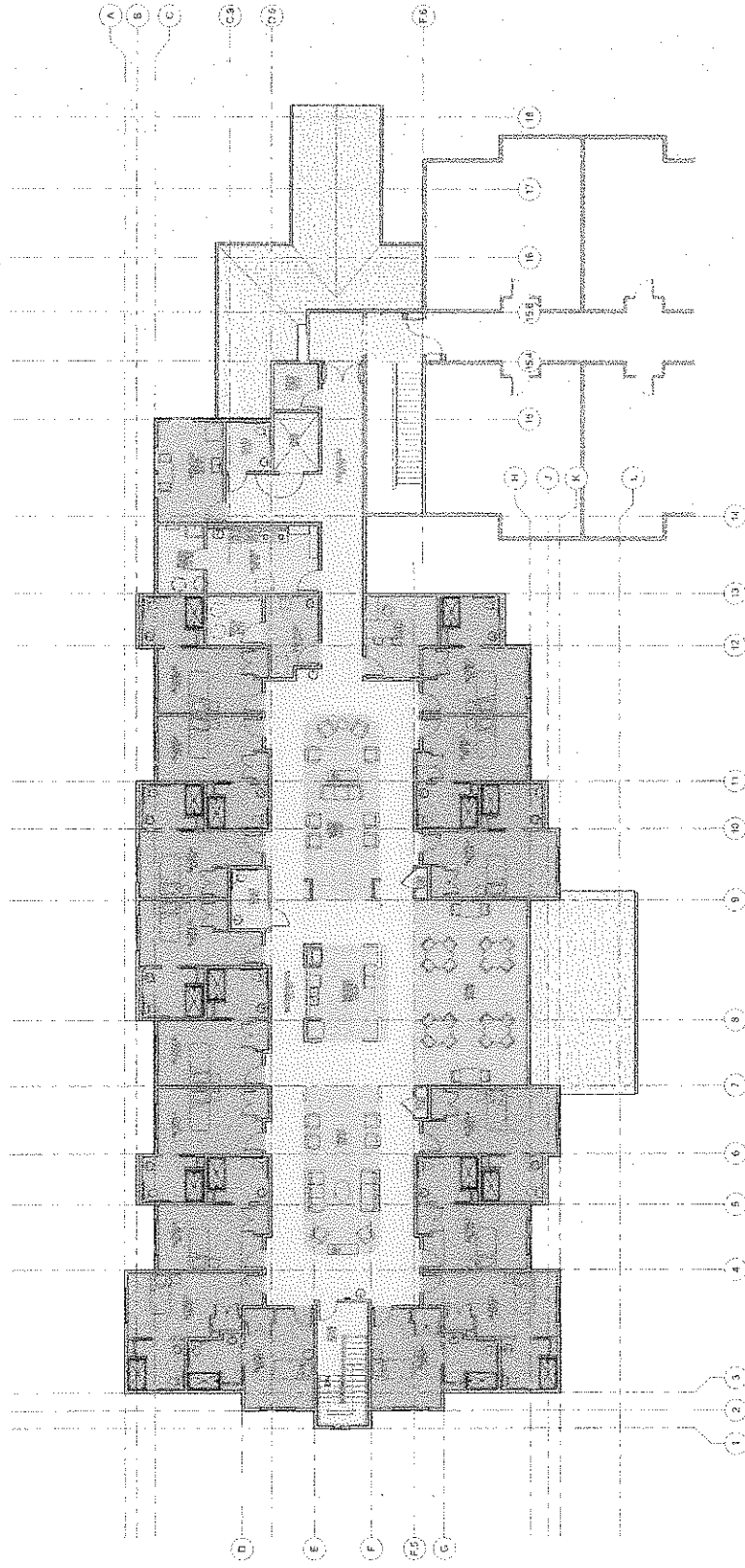


THIRD FLOOR - INDEPENDENT LIVING





FOURTH FLOOR - INDEPENDENT LIVING



SECOND FLOOR - MEMORY CARE

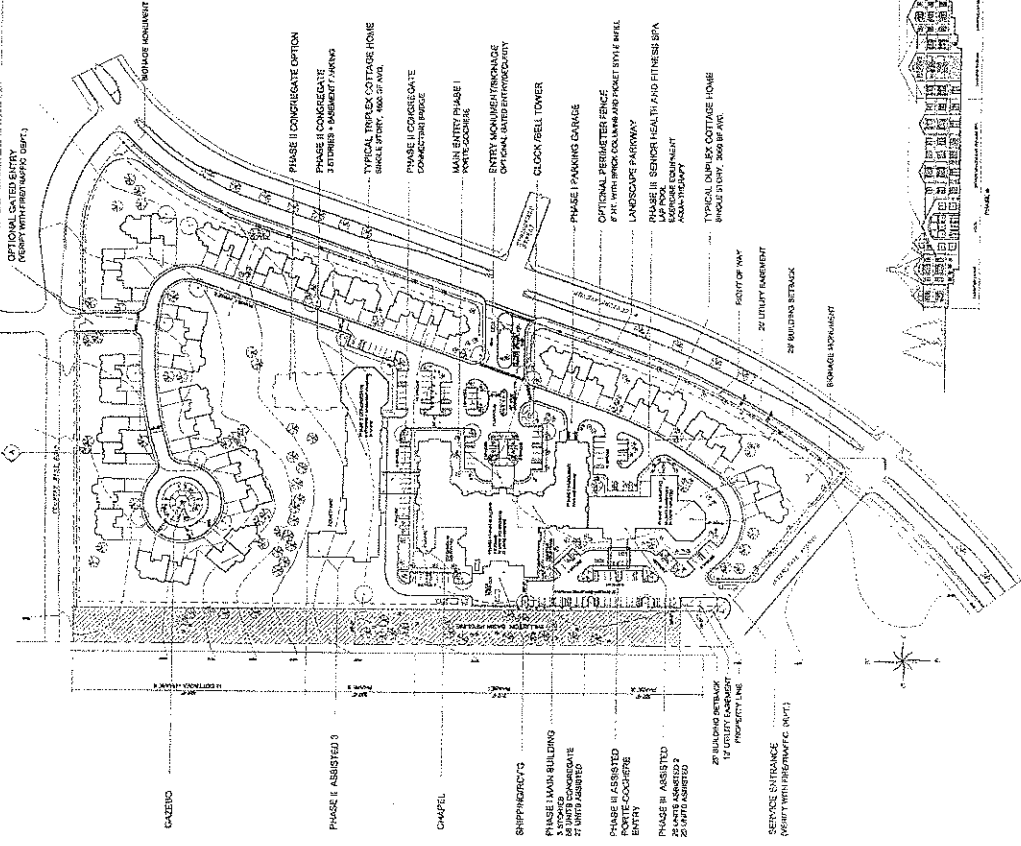
7/3/21
TEND HENNINGSON & ASSOCIATES, INC.

DATE: 02/17/2024



LRS

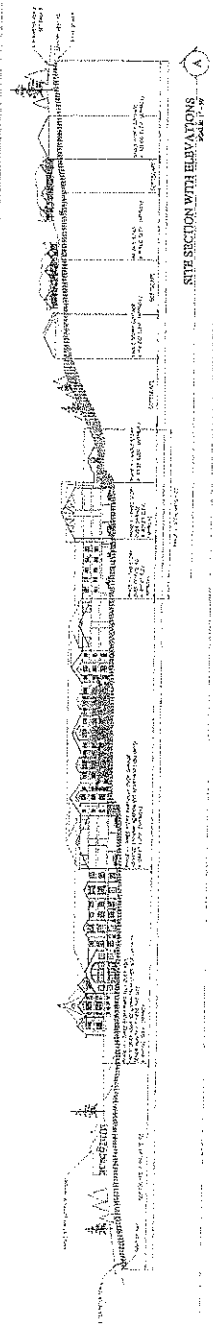
ORIGINAL
SITE PLAN
APPROVED
05-1990



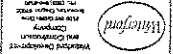
MAIN BUILDING ELEVATION
SCALE 1/8" = 1'-0"

PRELIMINARY SITE PLAN
SCALE 1/8" = 1'-0"

SITE SECTION WITH ELEVATIONS
SCALE 1/8" = 1'-0"

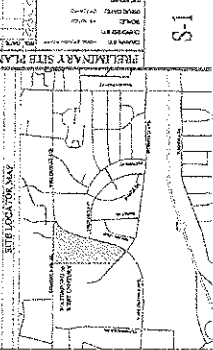


WATERFORD ON WEST CENTURY
1000 WEST CENTURY AVENUE, BISMARCK, NORTH DAKOTA 58501



Waterford Development
2000 West Century Avenue
Bismarck, ND 58501
701.223.1111

PRELIMINARY SITE PLAN
SCALE 1/8" = 1'-0"



15

CITY OF BISMARCK

Ordinance No. XXXX

First Reading _____

Second Reading _____

Final Passage and Adoption _____

Publication Date _____

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-02-03, 14-03-08 AND 14-03-10 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO DEFINITIONS, SPECIAL USES AND OFF-STREET PARKING AND LOADING/OFF-SITE PARKING LOTS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-02-03 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Definitions is hereby amended and re-enacted to read as follows:

14-02-03. Definitions. The following definitions represent the meanings of terms as they are used in these regulations:

* * * * *

Parking lot, on-site: An on-site parking lot shall mean any land legally used for the parking of motor vehicles that is located on the same lot or parcel as the use it is intended to serve.

Parking lot, off-site: An off-site parking lot shall mean any land legally used for the parking of motor vehicles that is located on a different lot or parcel as the use it is intended to serve.

* * * * *

Section 2. Amendment. Section 14-03-08 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Definitions is hereby amended and re-enacted to read as follows:

14-03-08. Special Uses. In order to carry out the purposes of this title, the board of city commissioners finds it necessary to require that certain uses, because of unusual size, safety hazards, infrequent occurrence, effect on surrounding area, or other reasons, be reviewed by the city planning and zoning commission and Building Official (where allowed) prior to the granting of a building permit or certificate of occupancy and that the city planning and zoning commission and Building Official (where allowed) are hereby given limited discretionary powers relating to the granting of such permit or certificate.

* * * * *

4. Permanent uses (planning commission approval). The city planning and zoning commission is authorized to grant special use permits for the following uses:

* * * * *

x. Off-site Parking Lots. Off-site parking lots for any use may be permitted in any R5 - Residential, R10-Residential, RM-Residential and RT-Residential district as a special use provided:

1. The lot or parcel meets the dimensional requirements for the underlying zoning district.

2. The lot or parcel is located along a public roadway and obtains access from a roadway classified as either a local roadway or a collector.

3. The lot or parcel is located no further than four hundred (400) feet from the use it is intended to serve.

4. A twenty (20) foot landscaped buffer yard is provided along any common lot line with an existing residential use and the buffer yard is installed in accordance with the provisions of Section 14-03-11(10) of the City Code of Ordinances (Landscaping and Screening/Buffer Yards).

7. A site plan is submitted showing the overall dimensions of the site, the location and

dimensions of parking spaces and access aisles, perimeter landscaping, landscaped buffer yards, adjacent roadways and proposed access (ingress/egress).

* * * * *

Section 3. Amendment. Section 14-03-10 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Off-street Parking and Loading is hereby amended and re-enacted to read as follows:

* * * * *

8. Location of required parking and loading facilities. The off-street parking facilities required by this section shall be on the same lot or parcel of land as the structure they are intended to serve; provided, however, when practical difficulties, ~~as determined by the board of adjustment,~~ prevent the establishment of such facilities upon the same lot or parcel, they shall be furnished within four hundred (400) feet of the premises to which they are appurtenant. Off-site parking lots within residential areas are subject to the requirements of Section 14-03-08(4)(x). The off-street loading facilities required by this section shall in all cases be on the same lot or parcel of land as the structure they are intended to serve. In no case shall the required off-street loading space be part of the area used to satisfy the off-street parking requirements of this article. All required off-street parking and loading facilities along with all ingress and egress driveways thereto shall be zoned ~~adequately~~ appropriately for the principal use which they are intended to serve.

* * * * *

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. Effective Date. This ordinance shall take effect following final passage and adoption.

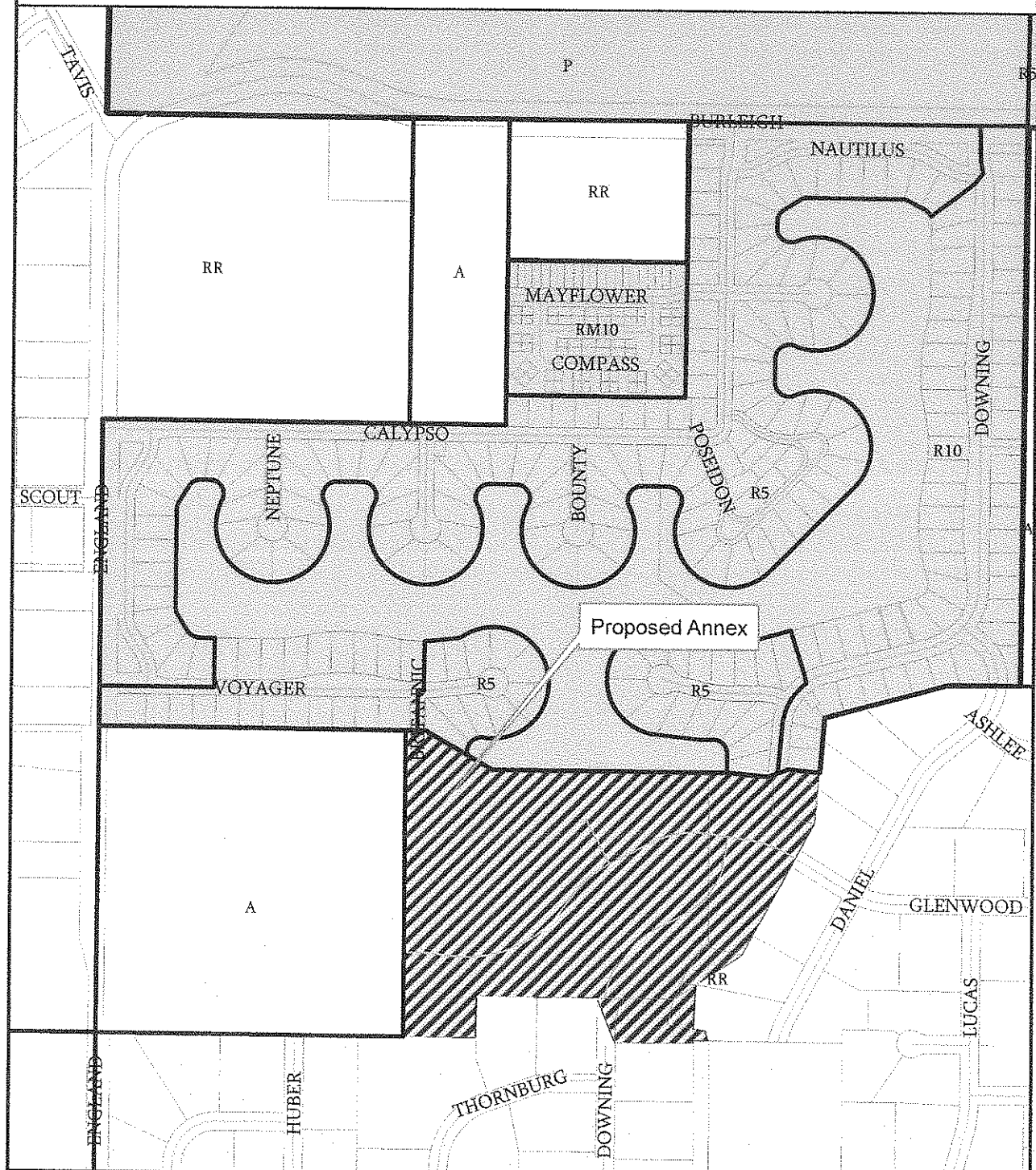
BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

BACKGROUND:		
Title: SouthBay 5 th Addition – Annexation		
Status: Planning Commission – Final Consideration	Date: March 26, 2014	
Owner(s): SouthBay Development LLC	Engineer: Swenson, Hagen & Co.	
Reason for Request: Plat, zone and annex property for the fifth phase of development to allow single and two-family residential development and one existing rural residence.		
Location: South of Bismarck, south of Burleigh Avenue, between England Street and South Washington Street (part of the SE¼ and part of the SW¼, Section 20, T138N-R80W/Lincoln Township, including replat of part of Spiritwood Estates Subdivision.		
Project Size: 39.6 acres (entire plat) 38.01 (annexation)	Number of Lots: 77 lots in 4 blocks (entire plat) 76 lots in 4 blocks (annexation)	
EXISTING CONDITIONS:		
Land Use: Rural residential and undeveloped	PROPOSED CONDITIONS:	
	Land Use: Rural residential and single and two-family residential	
Zoning: A – Agricultural RR – Residential	Zoning: RR – Residential R5 – Residential R10 – Residential	
Uses Allowed: A – Agriculture RR – Rural Residential	Uses Allowed: RR – Rural residential R5 – Single-family residential R10 – Single and two-family residential	
Maximum Density Allowed: A – One unit/40 acres RR – One unit/ 65,000 square feet	Maximum Density Allowed: RR – 65,000 square feet/lot R5 – 5 units/ acres R10 – 10 units/acre	
PROPERTY HISTORY:		
Zoned: 11/2002 (Spiritwood Estates)	Platted: 11/2002 (Spiritwood Estates)	Annexed: ---
FINDINGS:		
<ol style="list-style-type: none"> 1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation. 2. The proposed annexation would not adversely affect property in the vicinity. 3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance. 4. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice. 		

RECOMMENDATION:

Based on the above findings, staff recommends the annexation of SouthBay 5th Addition (Lots 1-27, Block 1, Lots 1-3, Block 2, Lots 1-8, Block 3 and Lots 1-38, Block 4) with the exception of Lot 9, Block 3.

Proposed Annexation Southbay 5th Addition



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: December 23, 2013 (hfb)

Source: City of Bismarck

0 550 1,100 Feet



BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

BACKGROUND:		
Title: SouthBay 5 th Addition – Zoning Change (A & RR to RR, R5 & R10)		
Status: Planning Commission – Public Hearing	Date: March 26, 2014	
Owner(s): SouthBay Development LLC Casey and Gena Neuman (Lot 9, Block 3)	Engineer: Swenson, Hagen & Co.	
Reason for Request: Plat, zone and annex property for the fifth phase of development to allow single and two-family residential development and one existing rural residence.		
Location: South of Bismarck, south of Burleigh Avenue, between England Street and South Washington Street (part of the SE¼ and part of the SW¼, Section 20, T138N-R80W/Lincoln Township, including replat of part of Spiritwood Estates Subdivision.		
Project Size: 39.6 acres	Number of Lots: 77 lots in 4 blocks	
EXISTING CONDITIONS:		
Land Use: Rural residential and undeveloped	PROPOSED CONDITIONS:	
	Land Use: Rural residential and single and two-family residential	
Zoning: A – Agricultural RR – Residential	Zoning: RR – Residential R5 – Residential R10 – Residential	
Uses Allowed: A – Agriculture RR – Rural Residential	Uses Allowed: RR – Rural residential R5 – Single-family residential R10 – Single and two-family residential	
Maximum Density Allowed: A – One unit/40 acres RR – One unit/ 65,000 square feet	Maximum Density Allowed: RR – 65,000 square feet/lot R5 – 5 units/ acres R10 – 10 units/acre	
PROPERTY HISTORY:		
Zoned: 11/2002 (Spiritwood Estates)	Platted: 11/2002 (Spiritwood Estates)	Annexed: ---
ADDITIONAL INFORMATION:		
1. Lot 27, Block 1 and Lot 1, Block 4 are reserved as common use lots and will be maintained by a homeowners association.		
FINDINGS:		
1. The proposed zoning change is consistent with the Land Use Plan, which identifies this area as urban residential (Bismarck-Mandan Regional Future Land Use Plan).		
<i>(continued)</i>		

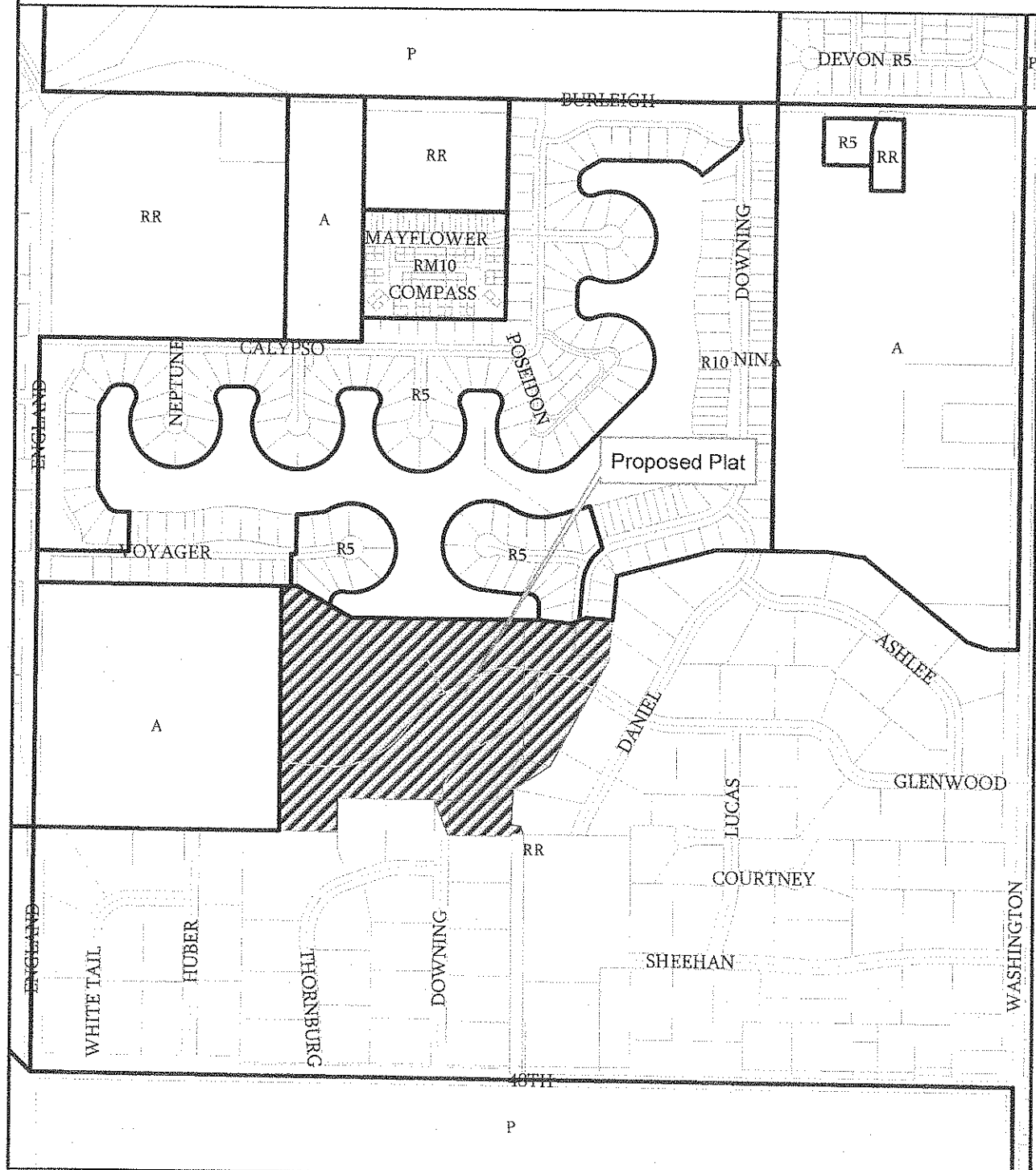
2. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include single-family residential to the north, rural residential to the south and east and agriculturally zoned property with a residence to the west.
3. The proposed subdivision (with the exception of Lot 9, Block 3) would be annexed prior to development; therefore, the zoning change would not place an undue burden on public services and facilities.
4. The proposed zoning change would not adversely affect property in the vicinity.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the zoning change from A – Agricultural and RR – Residential zoning districts to the RR – Residential zoning district for Lot 9, Block 3; to the R5 – Residential zoning district for Lots 1-27, Block 1; Lots 1-3, Block 2, Lots 1-8, Block 3, Lot 1, Block 4 and Lots 14-19, Block 4; and to the R10 – Residential zoning district for Lots 2-13 and 23-38, Block, 4 SouthBay 5th Addition, with the following condition.

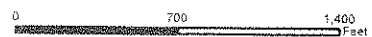
1. Lots 2-13 and 23-38, Block 4 are developed as two-family dwellings.

Proposed Plat and Zoning Change (RR to RR, R5 & R10) Southbay 5th Addition

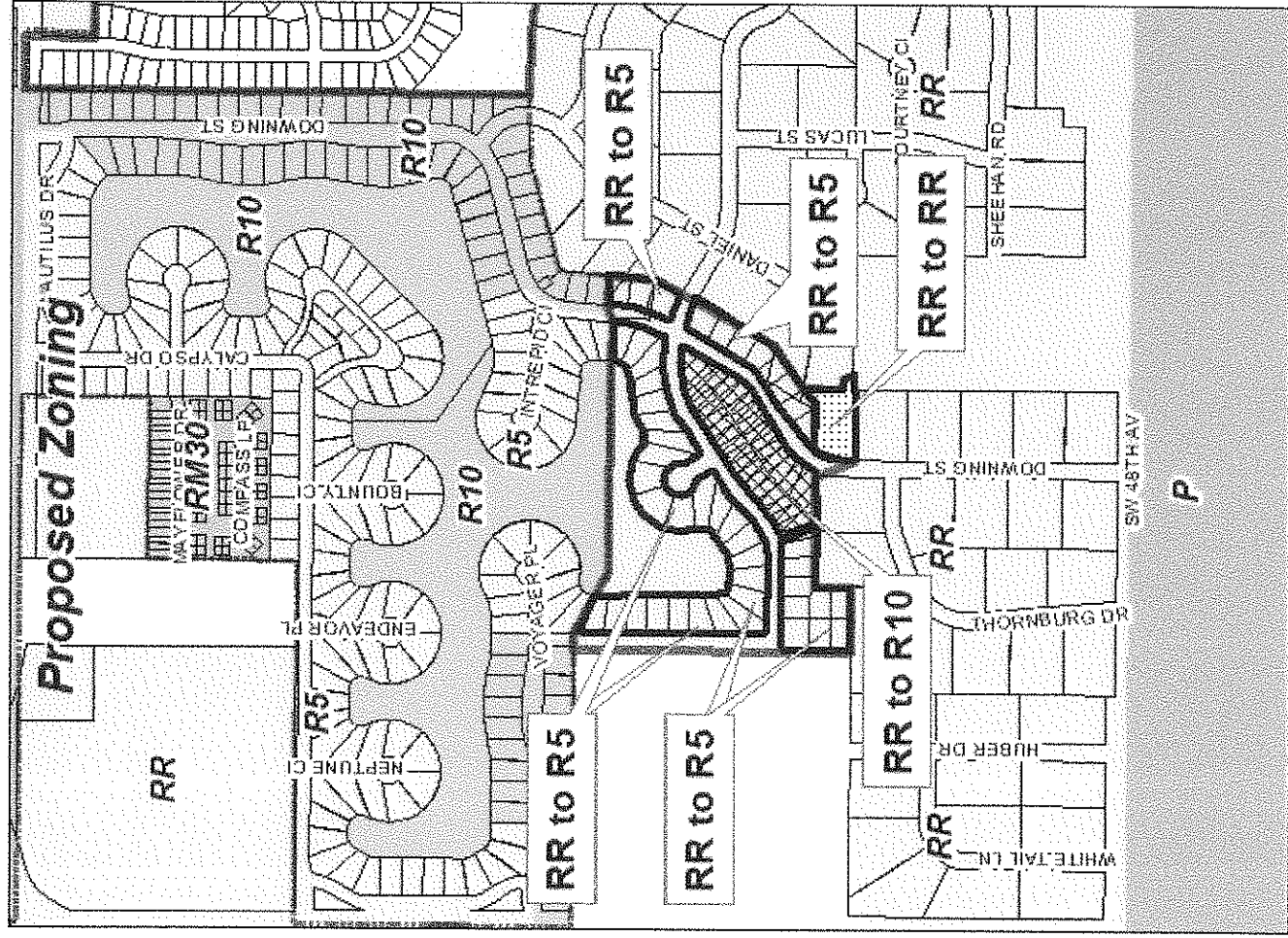
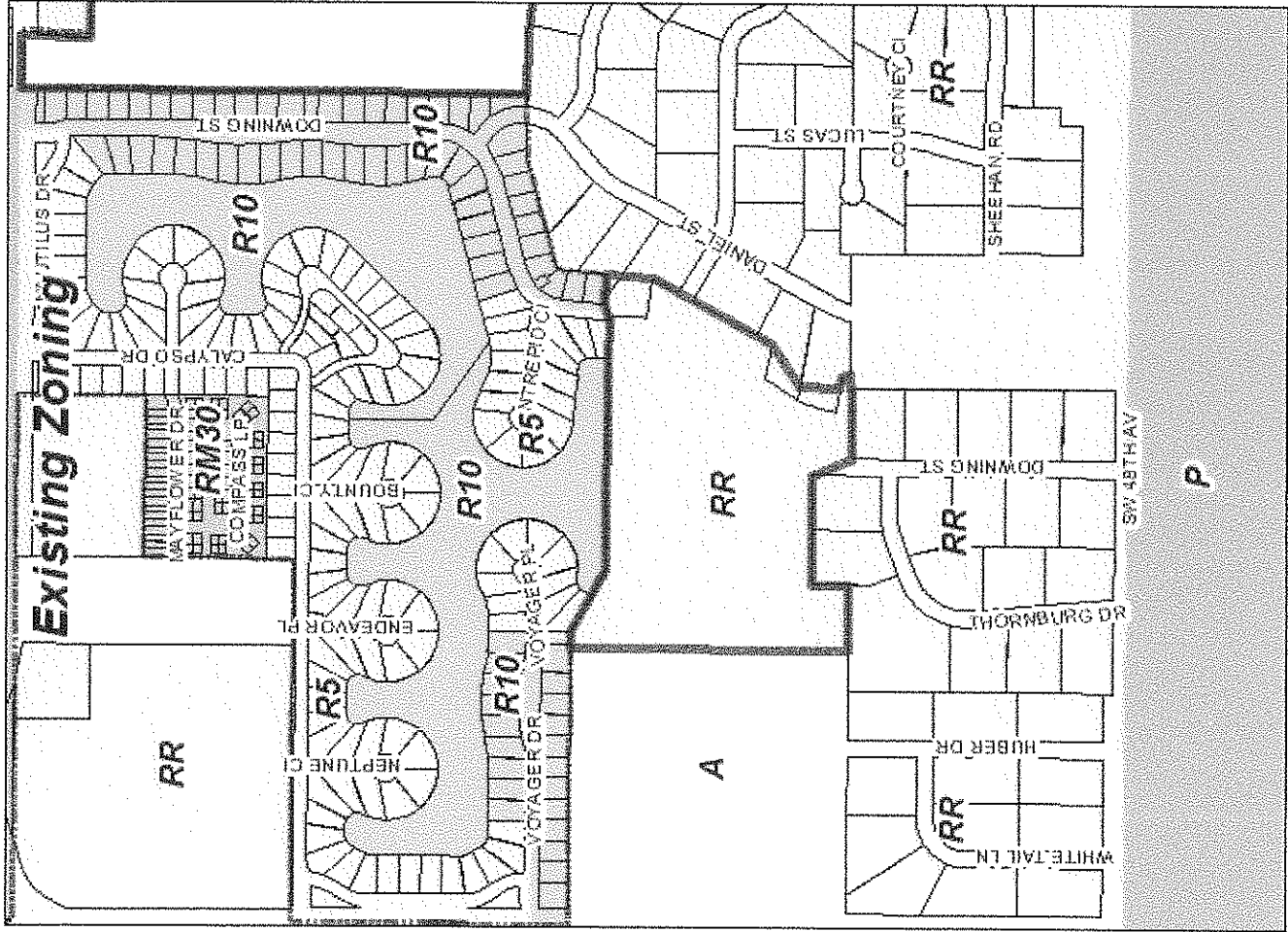


DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.
Map was Updated/Created: December 23, 2013 (hlb)

Source: City of Bismarck



SouthBay Fifth Addition - Zoning Change



**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: SouthBay 5 th Addition – Final Plat		
Status: Planning Commission – Public Hearing	Date: March 26, 2014	
Owner(s): SouthBay Development LLC Casey and Gena Neuman (lot 9, Block 3)	Engineer: Swenson, Hagen & Co.	
Reason for Request: Plat, zone and annex property for the fifth phase of development to allow single and two-family residential development and one existing rural residence.		
Location: South of Bismarck, south of Burleigh Avenue, between England Street and South Washington Street (part of the SE ¼ and part of the SW ¼, Section 20, T138N-R80W/Lincoln Township, including a replat of part of Spiritwood Estates Subdivision).		
Project Size: 39.6 acres	Number of Lots: 77 lots in 4 blocks	
EXISTING CONDITIONS:		
Land Use: Rural residential and undeveloped	PROPOSED CONDITIONS:	
	Land Use: Rural residential and single and two-family residential	
Zoning: A – Agricultural RR – Residential	Zoning: RR – Residential R5 – Residential R10 – Residential (L2-13 & L23-38, B4)	
Uses Allowed: A – Agriculture RR – Rural Residential	Uses Allowed: RR – Rural residential R5 – Single-family residential R10 – Single and two-family residential	
Maximum Density Allowed: A – One unit/40 acres RR – One unit/ 65,000 square feet	Maximum Density Allowed: RR – 65,000 square feet/lot R5 – 5 units/ acres R10 – 10 units/acre	
PROPERTY HISTORY:		
Zoned: 11/2002 (portion)	Platted: 11/2002 (portion)	Annexed: ---
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 1. Waiver requests were submitted to allow the use of a cul-de-sac and a private roadway at the termination of Britannic Lane at the south-west corner of the plat. Both requests seem reasonable as the construction of the cul-de-sac is part of the original design and has been in place for a number of years and it is unlikely that Britannic Lane will continue south due to the existing rural residential subdivisions in this area (Secluded Acres 2nd Subdivision and Secluded Acres 3rd Subdivision). 2. Lot 27, Block 1 and Lot 1, Block 4 are reserved as common use lots and will be maintained by the homeowner's association. 		

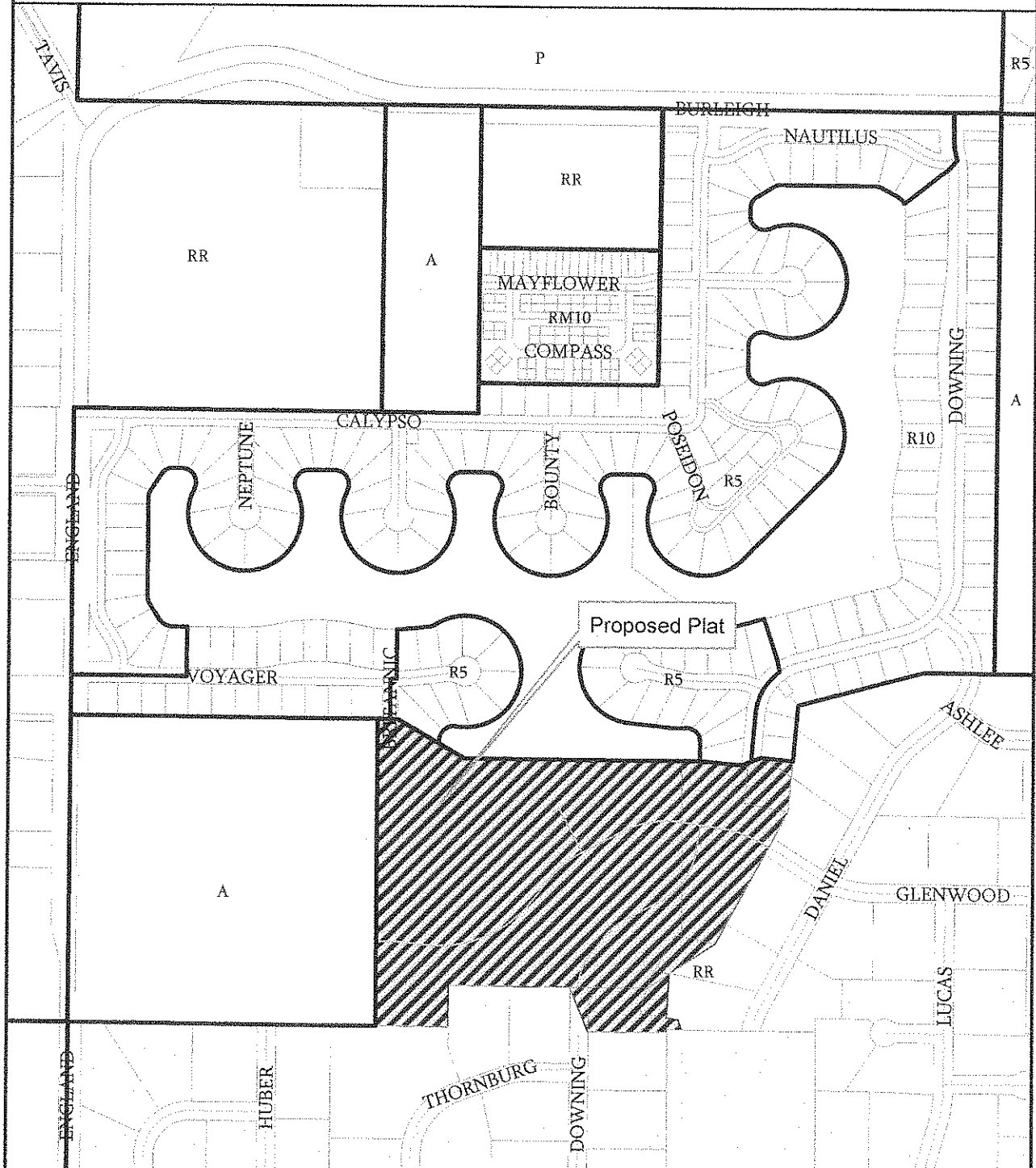
FINDINGS:

1. All technical requirements for approval of a final plat have been met.
2. The stormwater management plan has been approved by the City Engineer.
3. The proposed subdivision generally conforms to the Fringe Area Road Master Plan for this area, which identifies Downing Street and Glenwood Drive as collector roadways.
4. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include single-family residential to the north, rural residential to the south and east, and agriculturally zoned property with a residence to the west.
5. The proposed subdivision (with the exception of Lot 9, Block 3), would be annexed prior to development; therefore, it would not place an undue burden on public services and facilities.
6. The proposed subdivision would not adversely affect property in the vicinity.
7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
8. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the final plat of SouthBay 5th Addition, granting a waiver to allow the use of a cul-de-sac and a private roadway, and with the understanding that any further subdivision of Lot 9, Block 3 (the RR lot) would require annexation of the entire lot.

Proposed Plat and Zoning Change (A & RR to RR, R10 & R5) Southbay 5th Addition



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: December 23, 2013 (hjb)

Source: City of Bismarck

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OF LOT 4 OF BLOCK 7 OF SPIRITWOOD ESTATES SUBDIVISION, ALL OF TRACTS D & E OF THE SOUTHWEST 1/4 AND
PART OF THE NORTHEAST 1/4 & PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, AND PART OF THE
NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 20, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH
PRINCIPAL MERIDIAN

CARGO TABLE				
Cargo #	Length	Radius	Date	Temperature
C1	20.46	304.00	4/31/85	58.77
C2	46.83	580.54	6/30/84	33.52
C3	44.51	535.05	4/8/82	27.65
C4	56.44	160.50	10/13/83	25.40
C5	86.50	406.03	8/31/86	81.07
C6	121.08	350.00	2/23/83	62.67
C7	95.78	300.00	5/20/80	166.53

Curve #	Delta
C0	8°45'15"
C0	7°45'30"
C10	7°15'30"
C11	3°01'08"
C12	4°26'14"
C13	1°40'38"
C14	3°19'40"
C15	5°42'20"
C16	5°01'30"
C17	3°07'13"
C18	8°45'15"

[illegible]

AREA DATA	
1	37.11
2	15.47
3	4.64
4	3.20
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100	3.10

FLOODPLAIN INFORMATION

BARREZ

SALE OF NORTH DAKOTA
COUNTY OF

KEVIN PLANKOW
SOUL-BAY DEVELOPMENT, LLC
1855 HANCOCK DRIVE
BIRMINGHAM, AL 35202

THIS DAY OF _____ 2016, NOTARY PUBLICALLY APPEARED TO ME AND PERSONALLY KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO SIGNED THE FOREGOING DEED, AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

6025 F. NELSON
CORP., 437 N. B. BOKER
4620 S. CANNON ST.
BOSTON, MASS.

FROM THE OFFICE OF THE ATTORNEY GENERAL
 STATE OF NEW YORK
 ALBANY, N. Y.

ADJUTANT GENERAL
COUNTY, NORTH CAROLINA
MY COMMISSION EXPIRES

1

THE UNIVERSITY OF CHICAGO

1524

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Evergreen Ridge Addition – Annexation		
Status: Planning Commission – Final Consideration	Date: March 26, 2014	
Owner(s): Art Goldammer/Verity Homes Leverson Family Trust	Engineer: Swenson, Hagen & Co.	
Reason for Request: Plat, zone and annex property for one and two-family residential development.		
Location: In northwest Bismarck, west of North Washington Street between Ash Coulee Drive and Colt Avenue (a replat of Lot 2 and Lots 3A and 3B of Lot 3, Block 1, KMK Estates Subdivision).		
Project Size: 8.96 acres	Number of Lots: 49 lots in 2 blocks	
EXISTING CONDITIONS:		
Land Use: Rural residential	PROPOSED CONDITIONS:	
Zoning: RR – Residential	Land Use: One and two-family residential	
	Zoning: R5 – Residential (Lot 10, Block 2) PUD – Planned Unit Development (Remainder)	
Uses Allowed: Rural residential	Uses Allowed: R5 – Single-family residential PUD – Uses specified in PUD	
Maximum Density Allowed: 65,000 sf minimum lot size	Maximum Density Allowed: R5 – 5 units per acre PUD – Density as specified in PUD	
PROPERTY HISTORY:		
Zoned: 04/1959	Platted: 08/1966	Annexed: ---
ADDITIONAL INFORMATION		
<ol style="list-style-type: none"> 1. The City initiated the annexation of those parts of KMK Estates Subdivision and KMK Estates 2nd Subdivision not previously annexed in October 2006. In June 2007, an annexation agreement was entered into between the City and all property owners that annexation would be delayed for five years, until June 2012. In June 2011, conversations amongst City staff and impacted property owners resulted in a decision being made that annexation would be delayed until June 2014. All property owners were also informed that they could be annexed earlier upon request. 2. The proposed development would be a one and two-family residential development with an overall density of 5.5 units per acre. The PUD portion of the development would have a density of 6.0 units per acre. The development includes a mix of 18 single-family and 30 units in two-family dwellings that will function as a transition between what is expected to be higher intensity land uses along North Washington Street and the existing larger lot rural and urban single family residential to the west and south. 		

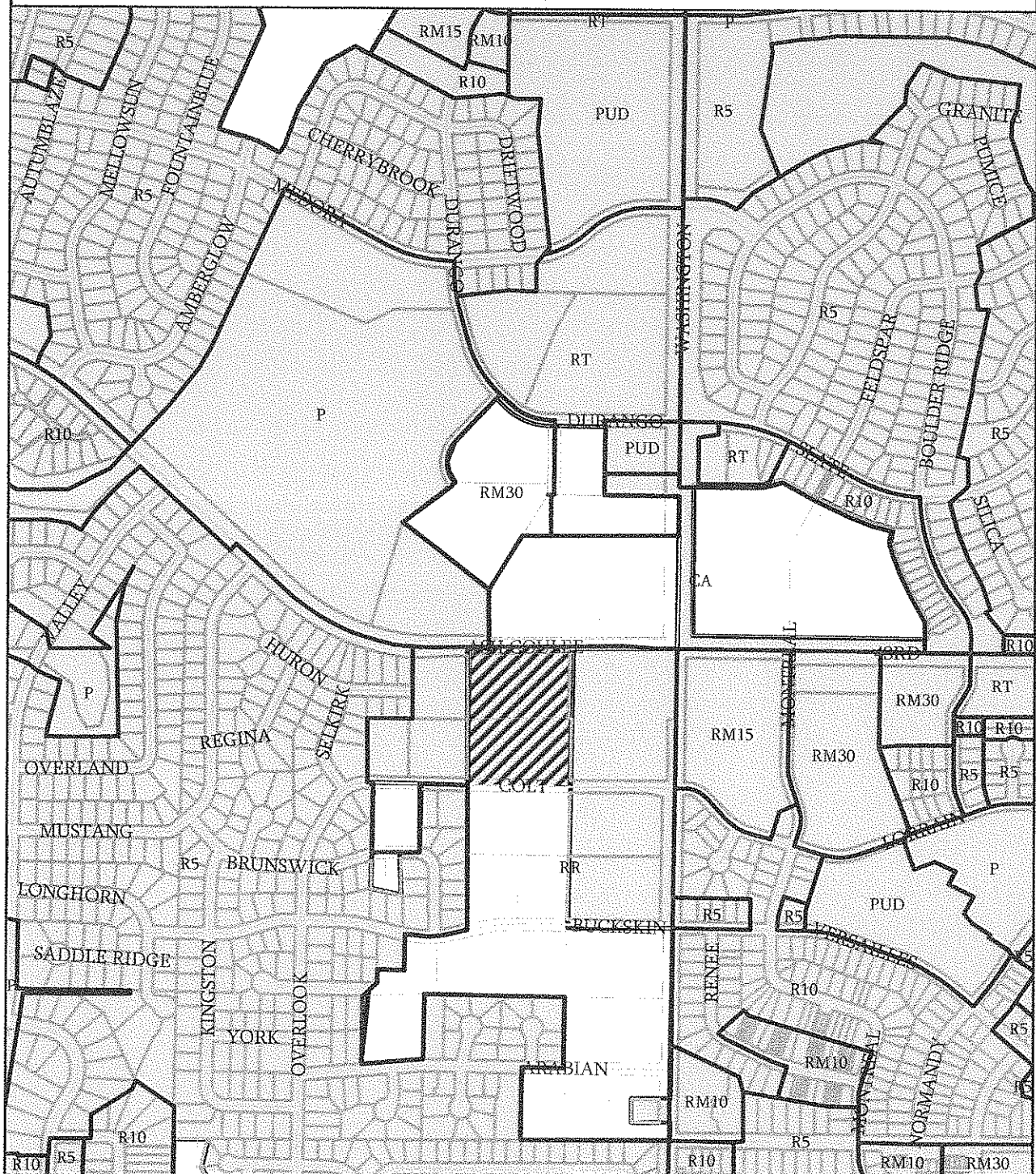
FINDINGS:

1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation.
2. The proposed annexation would not adversely affect property in the vicinity.
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance.
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends the annexation of Evergreen Ridge Addition (Lots 1-39, Block 1 and Lots 1-10, Block 2).

Proposed Annexation Evergreen Ridge Addition



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
DAR/13/1402/14

Source: City of Bismarck

0 700 1,400
Feet

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Evergreen Ridge Addition – Zoning Change (RR to R5 and PUD)		
Status: Planning Commission – Public Hearing	Date: March 26, 2014	
Owner(s): Art Goldammer/Verity Homes Levenson Family Trust	Engineer: Swenson, Hagen & Co.	
Reason for Request: Plat, zone and annex property for one and two-family residential development.		
Location: In northwest Bismarck, west of North Washington Street between Ash Coulee Drive and Colt Avenue (a replat of Lot 2 and Lots 3A and 3B of Lot 3, Block 1, KMK Estates Subdivision).		
Project Size: 8.96 acres	Number of Lots: 49 lots in 2 blocks	
EXISTING CONDITIONS:		
Land Use: Rural residential	PROPOSED CONDITIONS:	
Zoning: RR – Residential	Land Use: One and two-family residential	
	Zoning: R5 – Residential (Lot 10, Block 2) PUD – Planned Unit Development (Remainder)	
Uses Allowed: Rural residential	Uses Allowed: R5 – Single-family residential PUD – Uses specified in PUD	
Maximum Density Allowed: 65,000 sf minimum lot size	Maximum Density Allowed: R5 – 5 units per acre PUD – Density as specified in PUD	
PROPERTY HISTORY:		
Zoned: 04/1959	Platted: 08/1966	Annexed: ---
ADDITIONAL INFORMATION		
<ol style="list-style-type: none"> 1. The City initiated the annexation of those parts of KMK Estates Subdivision and KMK Estates 2nd Subdivision not previously annexed in October 2006. In June 2007, an annexation agreement was entered into between the City and all property owners that annexation would be delayed for five years, until June 2012. In June 2011, conversations amongst City staff and impacted property owners resulted in a decision being made that annexation would be delayed until June 2014. All property owners were also informed that they could be annexed earlier upon request. 2. The proposed development would be a one and two-family residential development with an overall density of 5.5 units per acre. The PUD portion of the development would have a density of 6.0 units per acre. The development includes a mix of 18 single-family and 30 units in two-family dwellings that will function as a transition between what is expected to be higher intensity land uses along North Washington Street and the existing larger lot rural and urban single family residential to the west and south. 		

FINDINGS:

1. The proposed zoning change is outside of the area covered by the Land Use Plan.
2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include larger lot rural and urban residential to the east, west and south and undeveloped CA-zoned property to the north across Ash Coulee Drive. It is expected that the underlying rural residential lots in KMK Estates will transition to urban density residential over time, and the proposed development will provide a land use transition between the expected future higher intensity land uses to the east along North Washington Street and the lower intensity land uses to the west and south.
3. The subdivision proposed for this property will be annexed and services will be extended in conjunction with development; therefore, it would not place an undue burden on public services and facilities.
4. The proposed zoning change would not adversely affect property in the vicinity.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends scheduling approval of the zoning change from the RR – Residential zoning district to the R5 – Residential on Lot 10, Block 2 and to the PUD – Planned Unit Development zoning district on Lots 1-39, Block 1 and Lots 1-9, Block 2, as outlined in the attached draft PUD ordinance.

ORDINANCE NO.

Introduced by _____

First Reading _____

Second Reading _____

Final Passage and Adoption _____

Publication Date _____

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE 1986 CODE OF ORDINANCES, OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the RR – Residential District and included within the R5 – Residential District.

Lot 10, Block ~~12~~, Evergreen Ridge Addition.

Section 2. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the RR – Residential District and included within the PUD – Planned Unit Development District.

Lots 1-~~39~~, Block 1 and Lots 1-39, Block 2, Evergreen Ridge Addition.

This PUD is subject to the following development standards:

1. *Uses Permitted.* Uses permitted include a maximum of 48 residential units in both single-family and two-family buildings. Lots ~~1-9~~ 25-29 and 26-39, Block 1 and Lots ~~35-39~~ 1-9, Block 2 are limited to single-family dwellings and Lots ~~1-34~~ 1-24 and 30-35, Block ~~21~~ are limited to one-half of a two-family dwelling. The configuration of residential units shall generally conform to the overall development plan for Evergreen Ridge Addition dated ~~December 20, 2013~~ March 14, 2014. Any change in the use of the property from that indicated above will require an amendment to this PUD.

2. *Single-family Residential Development Standards.* Each buildable lot shall have an area of not less than five thousand (5,000) square feet, a minimum width at the building setback line of not less than fifty (50) feet, a minimum front yard setback of twenty (20) feet, a minimum side yard setback of five (5) feet, a minimum rear yard setback of twenty (20) feet, and a maximum building height of thirty-five (35) feet.

?
ok @ 50
i'm ok
w/ 50 here.

3. *Two-family Residential Development Standards.* Each buildable lot shall have an area of not less than ~~thirty-three hundred (3,300)~~ thirty-two hundred (3,200) square feet, a minimum width at the building setback line of not less than ~~thirty (30)~~ twenty-five (25) feet, a minimum front yard setback of twenty (20) feet (as measured from the edge of the access easement for the private road), a minimum side yard setback of five (5) feet, a minimum rear yard setback of twenty (20) feet, and a maximum building height of thirty-five (35) feet.

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at setback
line
min. lot
width at 20?

4. *Private Roadway Maintenance.* The development and construction of the private roadway shall be the responsibility of the developer. On-going repair and maintenance of the private roadway shall be the responsibility of the home owners association.

5. *Temporary Emergency Access.* A temporary emergency access will be allowed on Ash Coulee Drive, subject to the following conditions:

- The temporary emergency access will be removed by the home owners association when the connection of Huron Drive is completed to the west.
- The access approach shall be constructed and paved. The size of the approach shall be sufficient to accommodate a fire truck.
- The access shall be controlled by a steel framed gate and padlocked with the keys in possession of the Bismarck Fire Department.
- Landscaping shall be provided on both ends of the gate to prevent vehicular traffic from driving around the emergency access gate.
- A sign shall be displayed on the middle of the gate stating "No Parking. Emergency Vehicle Access Only"
- The home owners association will be responsible for snow removal and maintenance of the access approach.

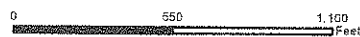
6. *Changes.* This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). Major changes require a public hearing and a majority vote of the Bismarck Planning & Zoning Commission.

Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

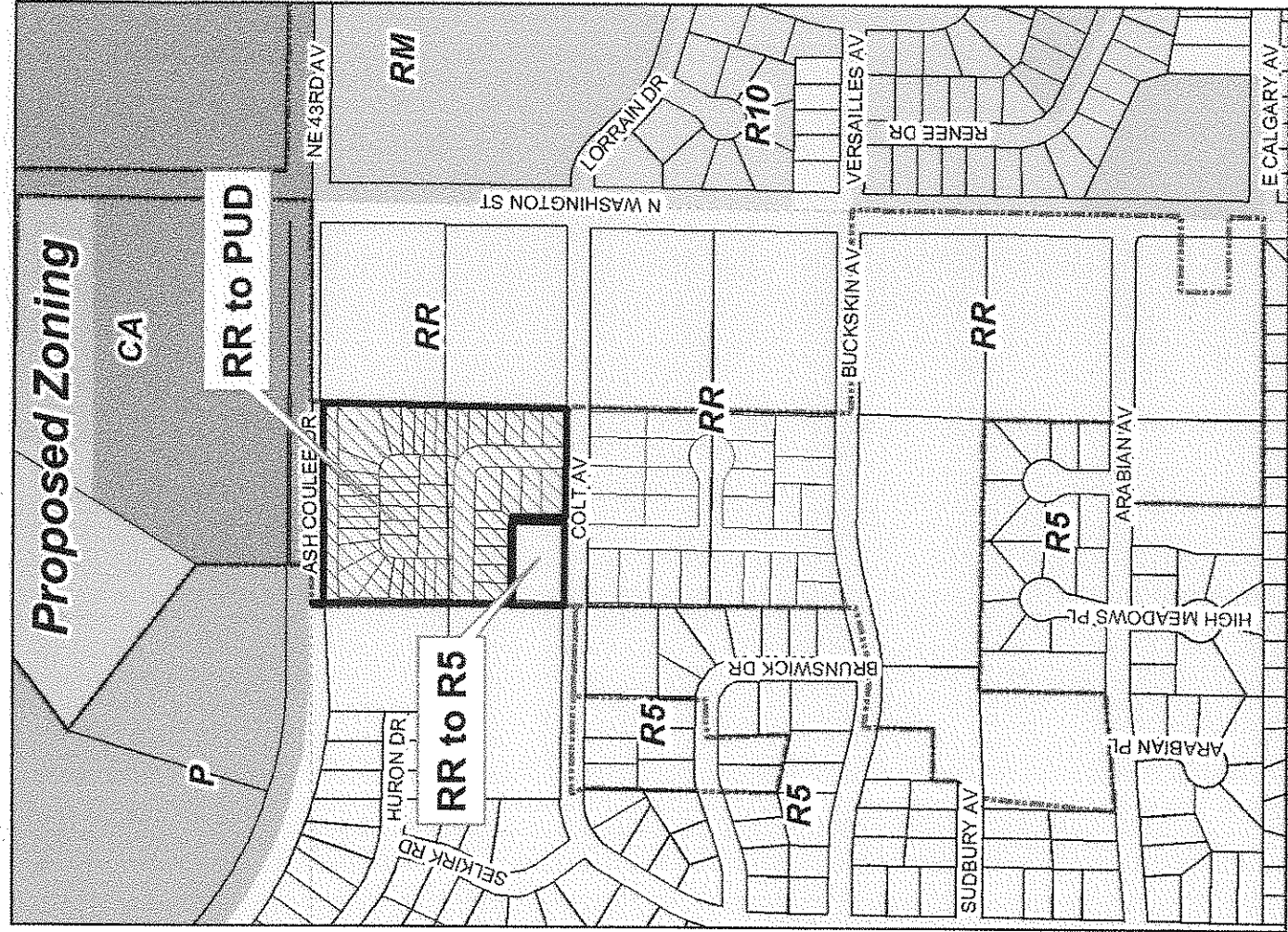
Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

The map displays a network of streets and corresponding zoning districts. Key streets include Valley, Overland, Mustang, Huron, Regina, Selkirk, Brunswick, Colt, BUCKSKIN, BURGUNDY, LORRAINE, RENEE, HACKBERRY, EDMONTON, ARABIAN, HORIZON, HIGH MEADOWS, SUDBURY, YORK, OVERLOOK, KINGSTON, LONGHORN, and VALLEY. Zoning districts are identified by codes such as R5, RT, P, RM30, RM15, RM10, RR, CA, PUD, and R10. A specific area is highlighted with diagonal hatching and labeled 'Proposed Plat'.

Source: City of Bismarck.



Evergreen Ridge Addition - Zoning Change



Evergreen Ridge Addition

Request for Approval of Evergreen Ridge Planned Unit Development

Red Door Homes of North Dakota is proposing to develop approximately 7.98 acres located North of Colt Ave, Part of Lot 2 & All of Lot 3, Block 1 of KMK Estate Subdivision, Bismarck, North Dakota.

Red Door Homes is contemplating developing the property into a residential development with 48 residential units, including 15 affordable twin homes (30 units) and 18 single family homes available in a variety of sizes and color schemes.

Red Door Homes proposes rezoning the property to a PUD district in order to accommodate the intending project which will result in a logical and orderly development pattern, consistent with surrounding land uses. The projected density of 6.02 units per acre is not to establish new uses or significantly densify the area, but to maximize the available buildable land at a reasonable price.

The project will address the housing needs of the community by developing modestly priced housing in north Bismarck. Red Door Homes anticipates that the proposed twinhomes, located on smaller parcels of land, will attract younger, first-time homebuyers, while still providing move-up opportunities for growing families. Lot sizes within the project will vary from 3300 square feet to 9500 square feet for twin home lots, to 5000 square feet to 9000 square feet for single family lots.

Assuming that the adjacent rural residents' lots in KMK Estates will eventually transition to urban density over time, and considering that the subdivision is scheduled for annexation in 2014, the proposed zoning change would not adversely affect property in the vicinity.

Interior landscape buffer areas can be provided by Red Door Homes if the city so desires, however, street trees will be planted at standard intervals on the public ROW and the private access easement.

Zoning: PUD

Front yard: 20'

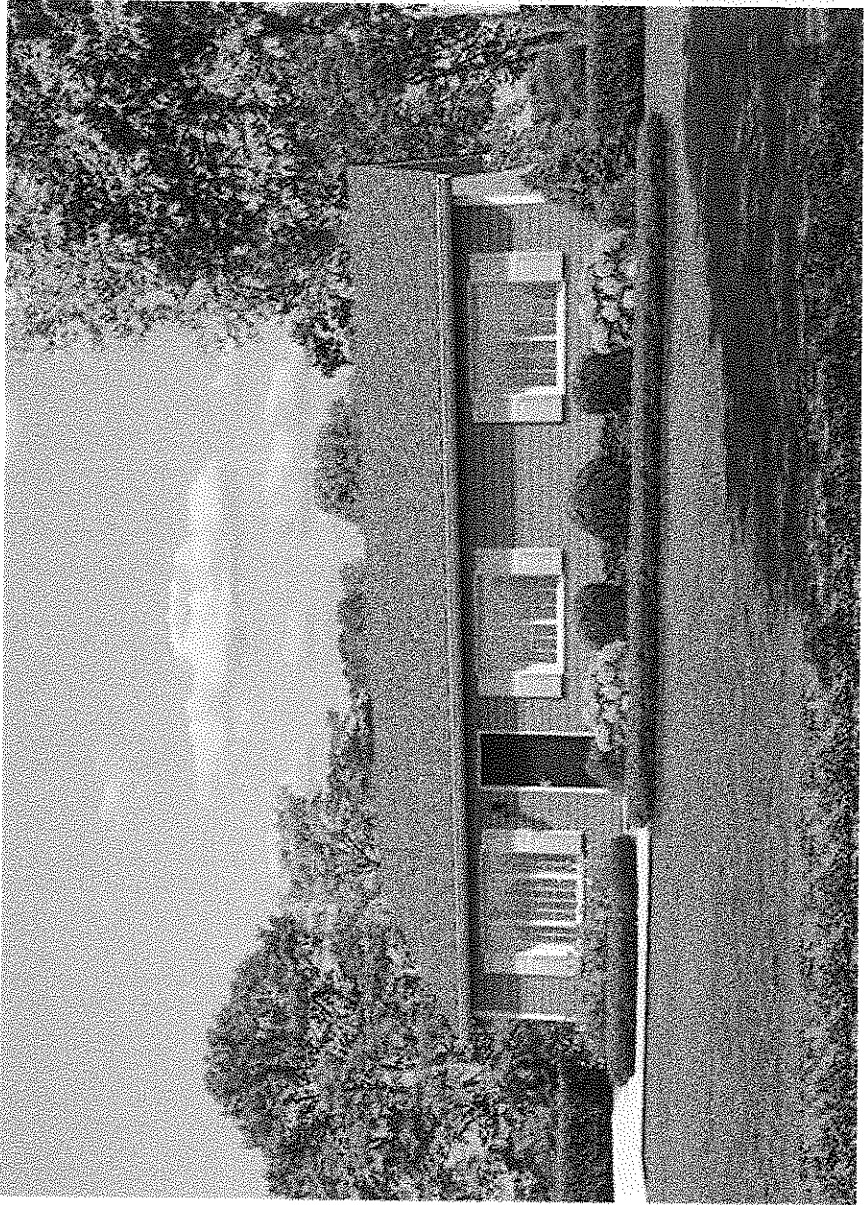
Side yard: 20% of width, 20' at Corner lots, 5' minimum

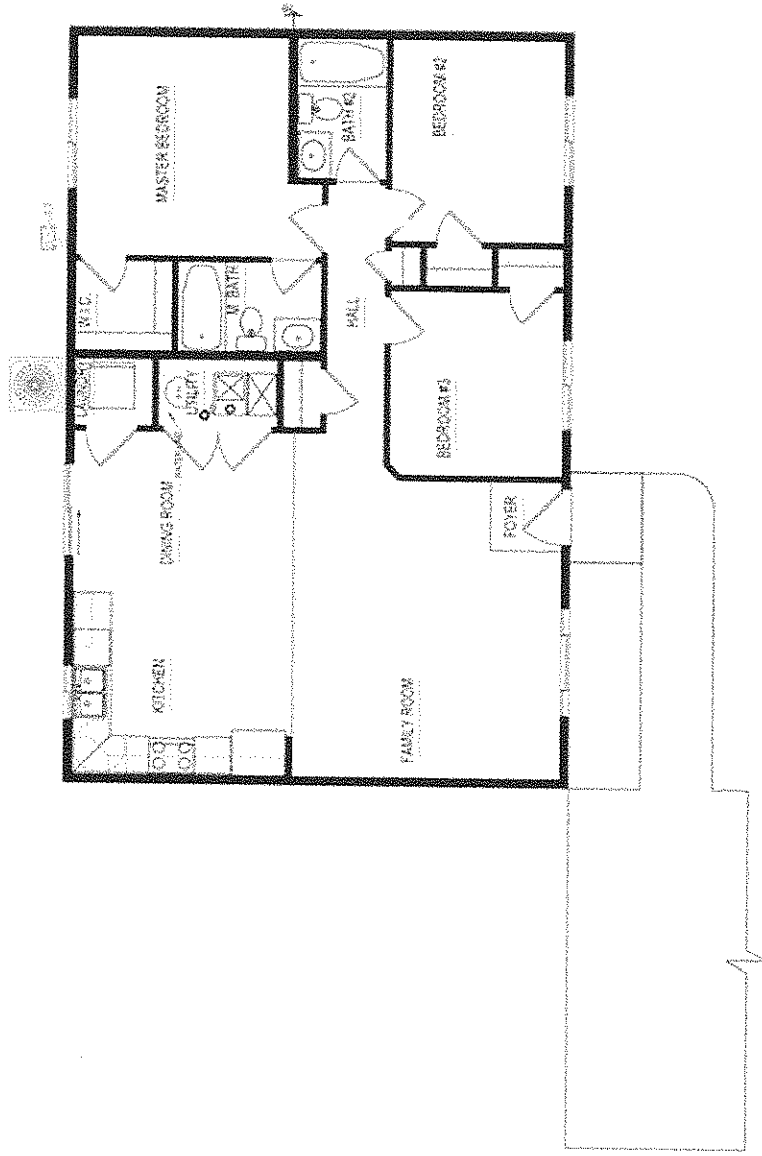
Rear yard: 20'

Lot area: 3,000 square feet minimum

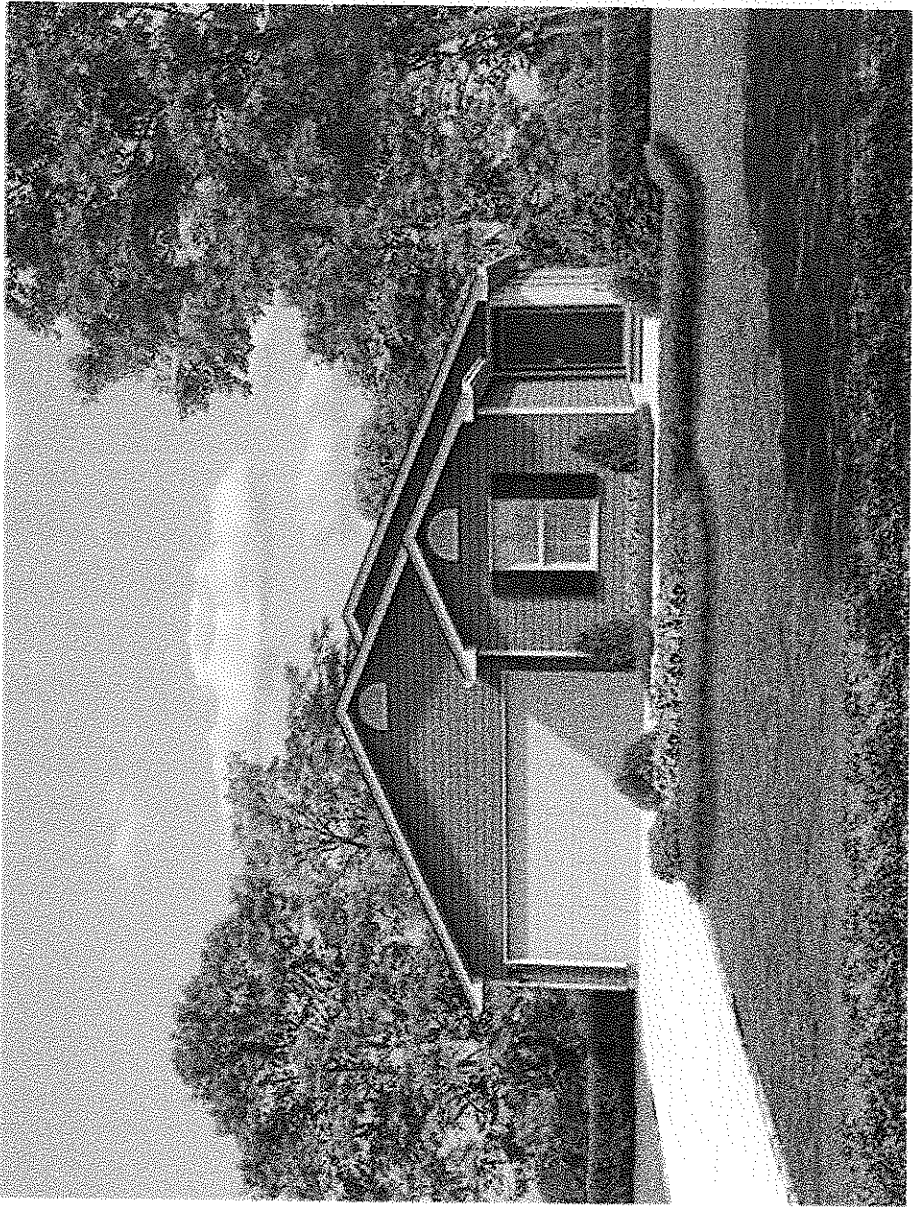
Building Height: 40' maximum (32' Typical)

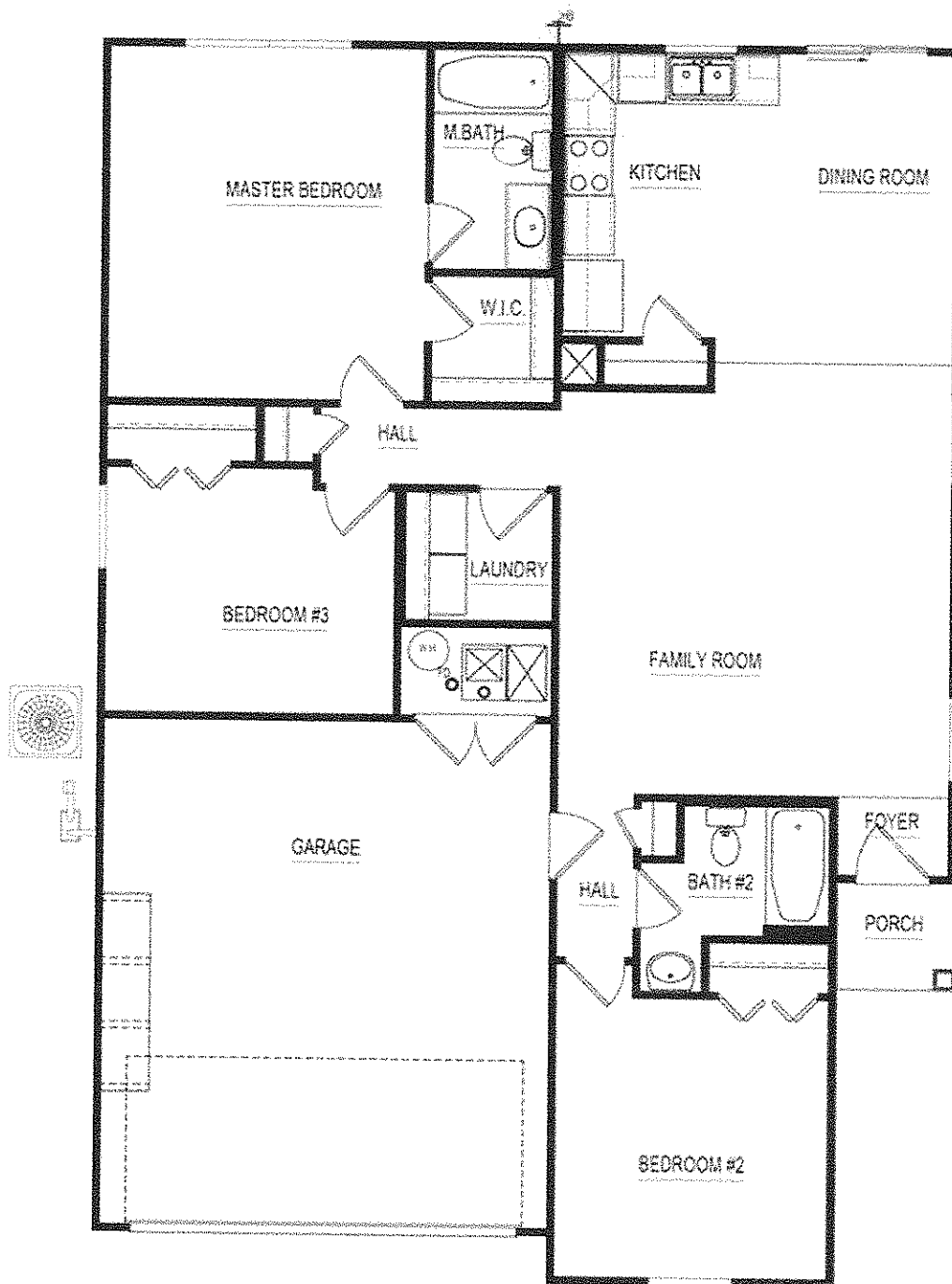
See attachments for condo agreements, architectural drawings, etc.





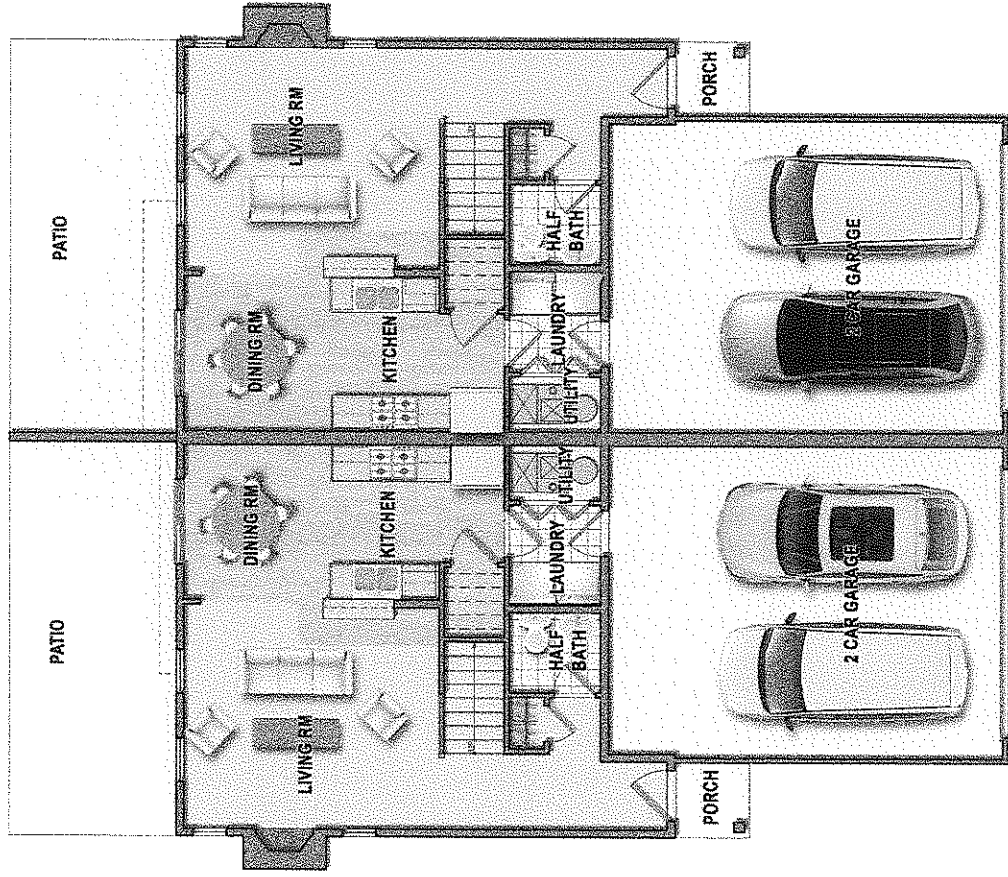
FIRST FLOOR PLAN



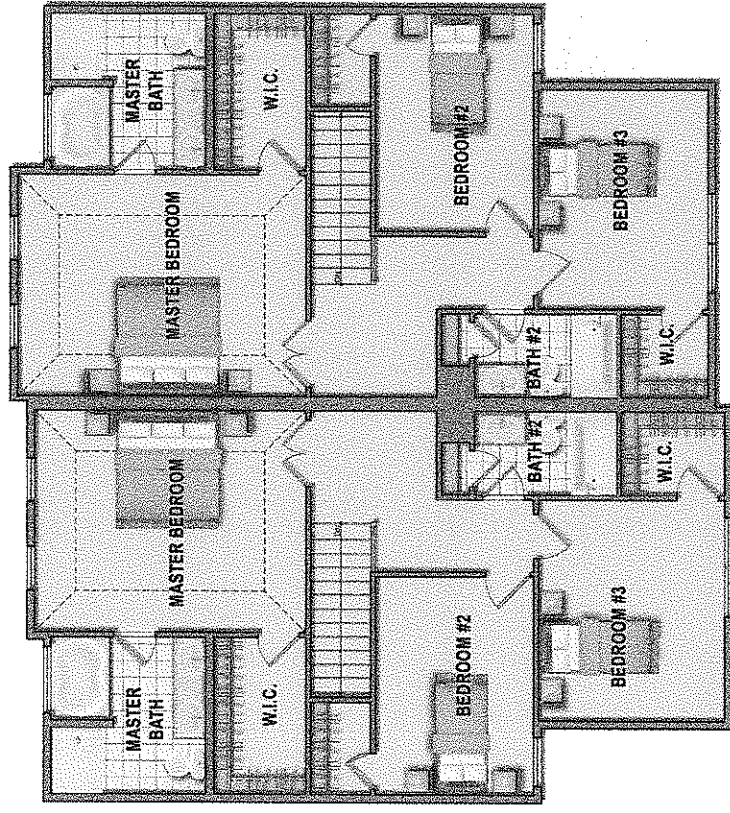


FIRST FLOOR PLAN





First Floor Plan



Second Floor Plan

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Evergreen Ridge Addition – Final Plat		
Status: Planning Commission – Public Hearing	Date: March 26, 2014	
Owner(s): Art Goldammer/Verity Homes Levenson Family Trust	Engineer: Swenson, Hagen & Co.	
Reason for Request: Plat, zone and annex property for one and two-family residential development.		
Location: In northwest Bismarck, west of North Washington Street between Ash Coulee Drive and Colt Avenue (a replat of Lot 2 and Lots 3A and 3B of Lot 3, Block 1, KMK Estates Subdivision).		
Project Size: 8.96 acres	Number of Lots: 49 lots in 2 blocks	
EXISTING CONDITIONS:		
Land Use: Rural residential	PROPOSED CONDITIONS:	
Zoning: RR – Residential	Zoning: R5 – Residential (Lot 10, Block 2) PUD – Planned Unit Development (Remainder)	
Uses Allowed: Rural residential	Uses Allowed: R5 – Single-family residential PUD – Uses specified in PUD	
Maximum Density Allowed: 65,000 sf minimum lot size	Maximum Density Allowed: R5 – 5 units per acre PUD – Density as specified in PUD	
PROPERTY HISTORY:		
Zoned: 04/1959	Platted: 08/1966	Annexed: ---
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 1. The City initiated the annexation of those parts of KMK Estates Subdivision and KMK Estates 2nd Subdivision not previously annexed in October 2006. In June 2007, an annexation agreement was entered into between the City and all property owners that annexation would be delayed for five years, until June 2012. In June 2011, conversations amongst City staff and impacted property owners resulted in a decision being made that annexation would be delayed until June 2014. All property owners were also informed that they could be annexed earlier upon request. 2. The proposed development would be a one and two-family residential development with an overall density of 5.5 units per acre. The PUD portion of the development would have a density of 6.0 units per acre. The development includes a mix of 18 single-family dwelling and 30 units in two-family dwellings that will function as a transition between what is expected to be higher intensity land uses along North Washington Street and the existing larger lot rural and urban single family residential to the west and south. 		
<i>(continued)</i>		

3. The proposed subdivision now includes a temporary emergency only roadway connection on Ash Coulee Drive, which will be subject to specific conditions. This temporary access is being included in order to address the lack of a secondary access for emergency services. The access point would be removed in the future when another access point is created, such as the connection of the two segments of Huron Drive.
4. During consideration of a previous development proposed for this property, concerns were raised by the adjacent land owners regarding the impact of this project on traffic in the neighborhood, especially at the intersection of Colt Avenue and North Washington Street. The latest traffic counts (2012) indicate an average daily traffic count (ADT) of 8,120 vehicles on North Washington Street between Ash Coulee Drive and Colt Avenue and an ADT of 10,310 vehicles further south on North Washington Street between Edmonton Drive and Estevan Drive. The Institute of Transportation Engineers (ITE) Trip Generation manual indicates that a unit in a single-family residence generates approximately 9 trips per day and a unit in a two-family residence generates approximately 6 trips per day. Based on these numbers, the additional units are estimate to generate 342 trips per day. Using the lower number to the north of this site of 8,120 ADT and assuming that all trips generated by this development would go to or come from North Washington Street (which is unlikely), the proposed development would represent a 4.2% increase to traffic on North Washington Street.
5. The City's Capital Improvement Program includes the reconstruction of North Washington Street from Calgary Avenue north through 57th Avenue NE in 2015, if funding is available.

FINDINGS:

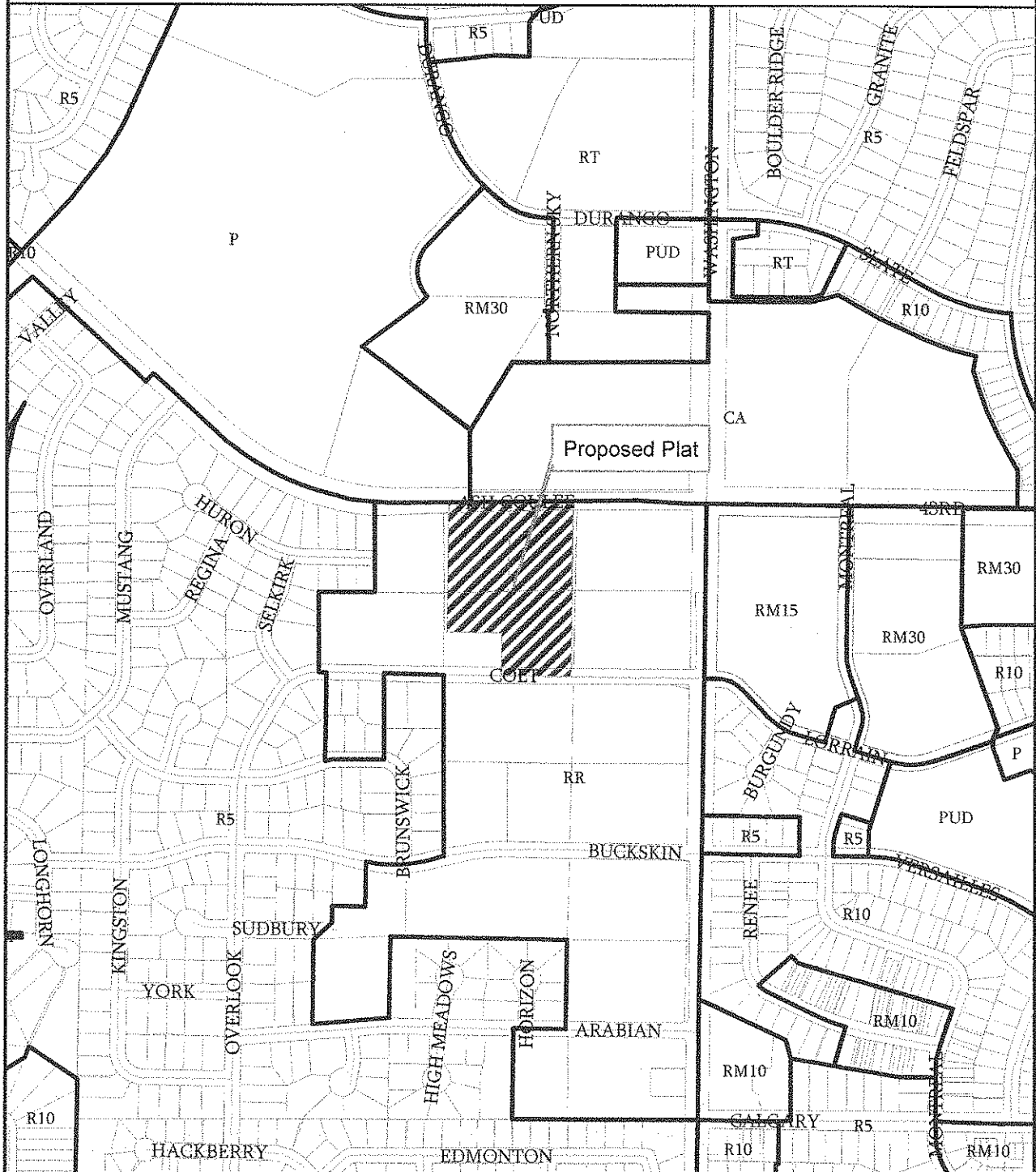
1. All technical requirements for approval of a final plat have been met.
2. The storm water management plan has been approved by the City Engineer.
3. The proposed subdivision is consistent with the Fringe Area Road Master Plan for this section, which identifies Ash Coulee Drive as an arterial roadway. North Washington Street to the east of the proposed plat is classified as a principal arterial on the MPO's Functional Classification Network (July 2011) and Ash Coulee Drive is classified as a minor arterial.
4. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include larger lot rural and urban residential to the east, west and south and undeveloped CA-zoned property to the north across Ash Coulee Drive. It is expected that the underlying rural residential lots in KMK Estates will transition to urban density residential over time, and the proposed development will provide a land use transition between the expected future higher intensity land uses to the east along North Washington Street and the lower intensity land uses to the west and south.
5. The proposed subdivision would be annexed and services would be extended in conjunction with development; therefore, it would not place an undue burden on public services and facilities.
6. The proposed subdivision would not adversely affect property in the vicinity.
7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
8. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the final plat of Evergreen Ridge Addition, including the creation of a temporary emergency access on Ash Coulee Drive subject to the following conditions:

1. The temporary emergency access will be removed by the home owners association when the connection of Huron Drive is completed to the west.
2. The access approach shall be constructed and paved. The size of the approach shall be sufficient to accommodate a fire truck.
3. The access shall be controlled by a steel framed gate and padlocked with the keys in possession of the Bismarck Fire Department.
4. Landscaping shall be provided on both ends of the gate to prevent vehicular traffic from driving around the emergency access gate.
5. A sign shall be displayed on the middle of the gate stating "No Parking, Emergency Vehicle Access Only"
6. The home owners association will be responsible for snow removal and maintenance of the access approach.

Proposed Plat and Zoning Change (RR to PUD) Evergreen Ridge Addition



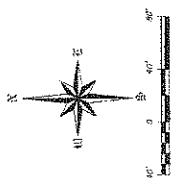
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: December 23, 2013 (nib)

Source: City of Bismarck

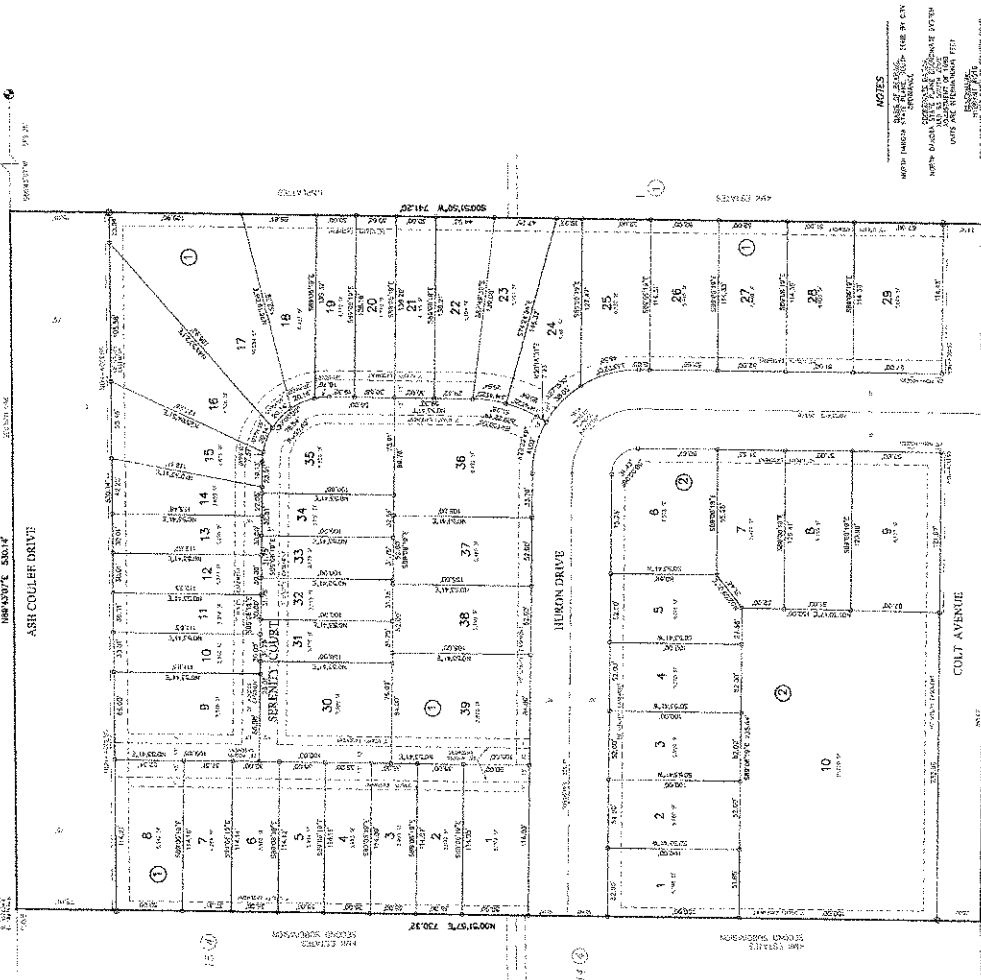
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Feet



EVERGREEN RIDGE ADDITION
BEING A REPLAT OF LOTS 2, 3A & 3B OF LOT 3 OF BLOCK 1 OF K.M.K. ESTATES
PART OF THE NE 1/4 OF THE NE 1/4 OF SECTION 20, T. 139, R. 80 W.
BISMARCK, BURLEIGH COUNTY, NORTH
DAKOTA



2024/08/26 10:25



NOTES

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-27-2009 BY 60322 JAL/STP

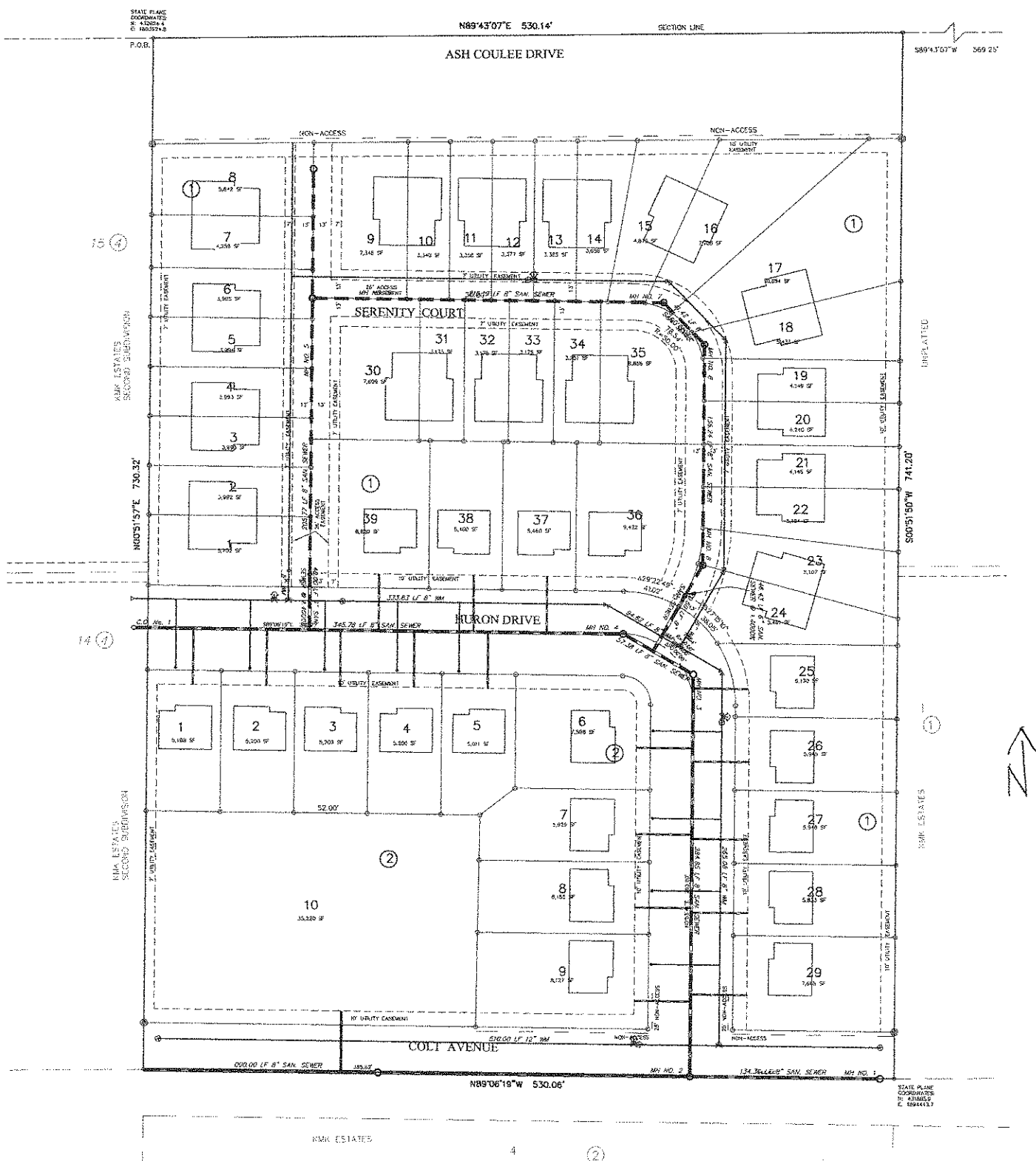
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REAL DATA

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DOI: 10.1002/anie.201100000

MAR 13 2014



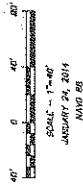
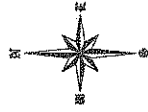
EVERGREEN RIDGE ADDITION

BEING A REPLAT OF PART OF LOT 2 & LOTS 3A & 3B BLOCK 1

KMK ESTATES SUBDIVISION

PART OF THE NE 1/4 OF THE NE 1/4
OF SECTION 20, T. 139, R. 80 W.

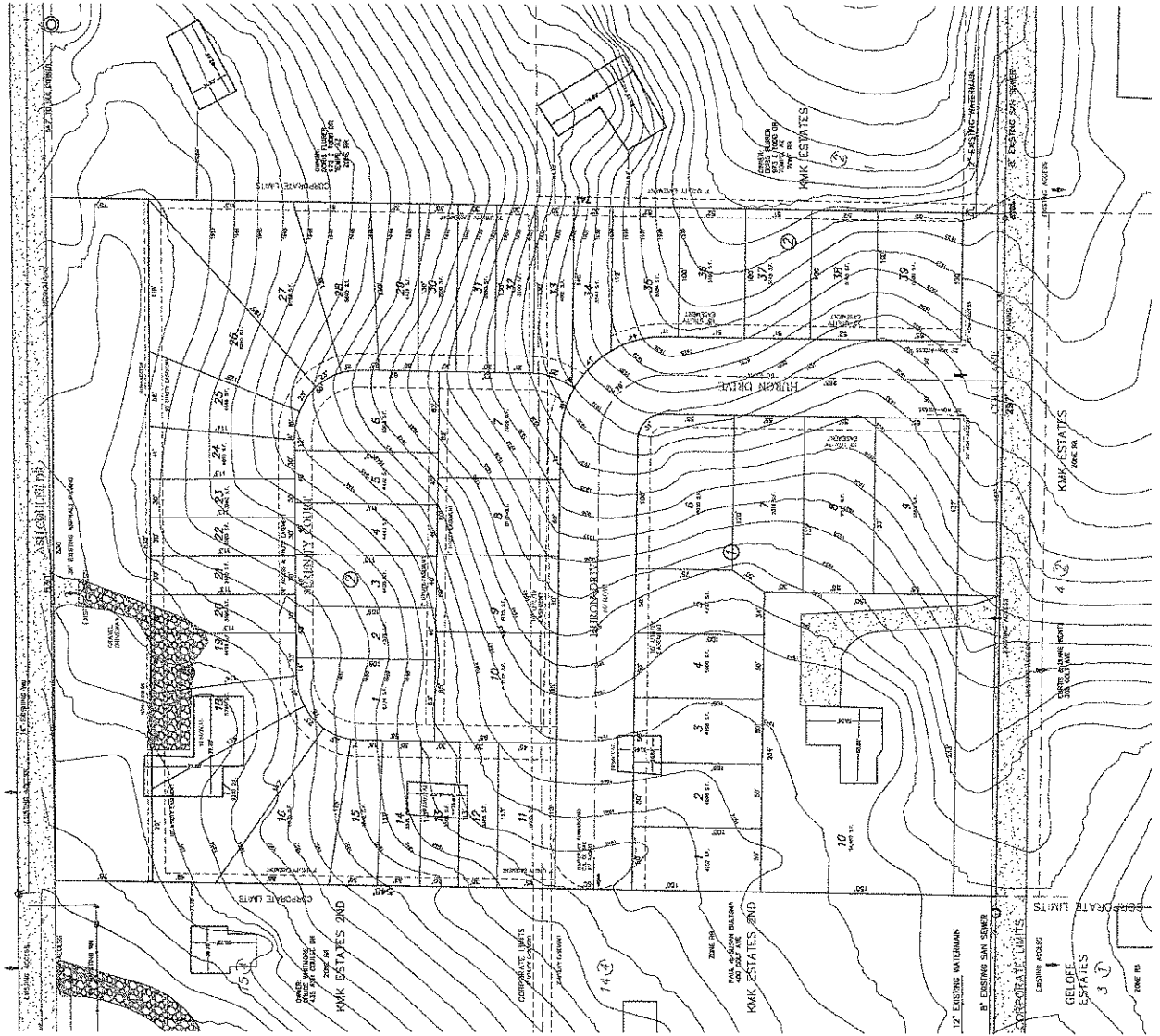
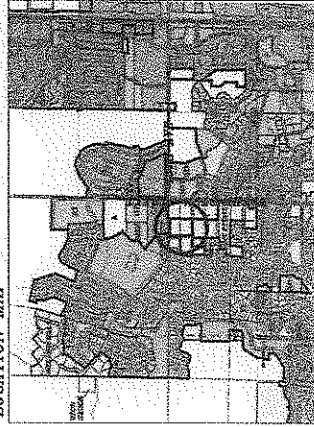
BISMARCK, NORTH DAKOTA



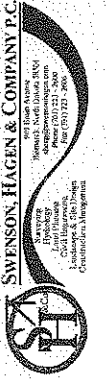
8.96 ACRES
EXISTING ZONING: RR
PROPOSED ZONING: PUD
49 LOTS

OWNERS/DEVELOPER:
RADDOOR HOMES
ADDRESS: 3100 N 14TH ST
SUITE 1
BISMARCK ND 58503
PHONE 663-4117
LEVERSON TRUST
300 COLT AVE
BISMARCK, ND 58503
PHONE: 701 223 9687
KLC OF WILLMAR, INC
2320 HWY 12 E,
WILMAR, MN 56201
PHONE (320) 235-7440

LOCATION MAP



JAN 10 2014



**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

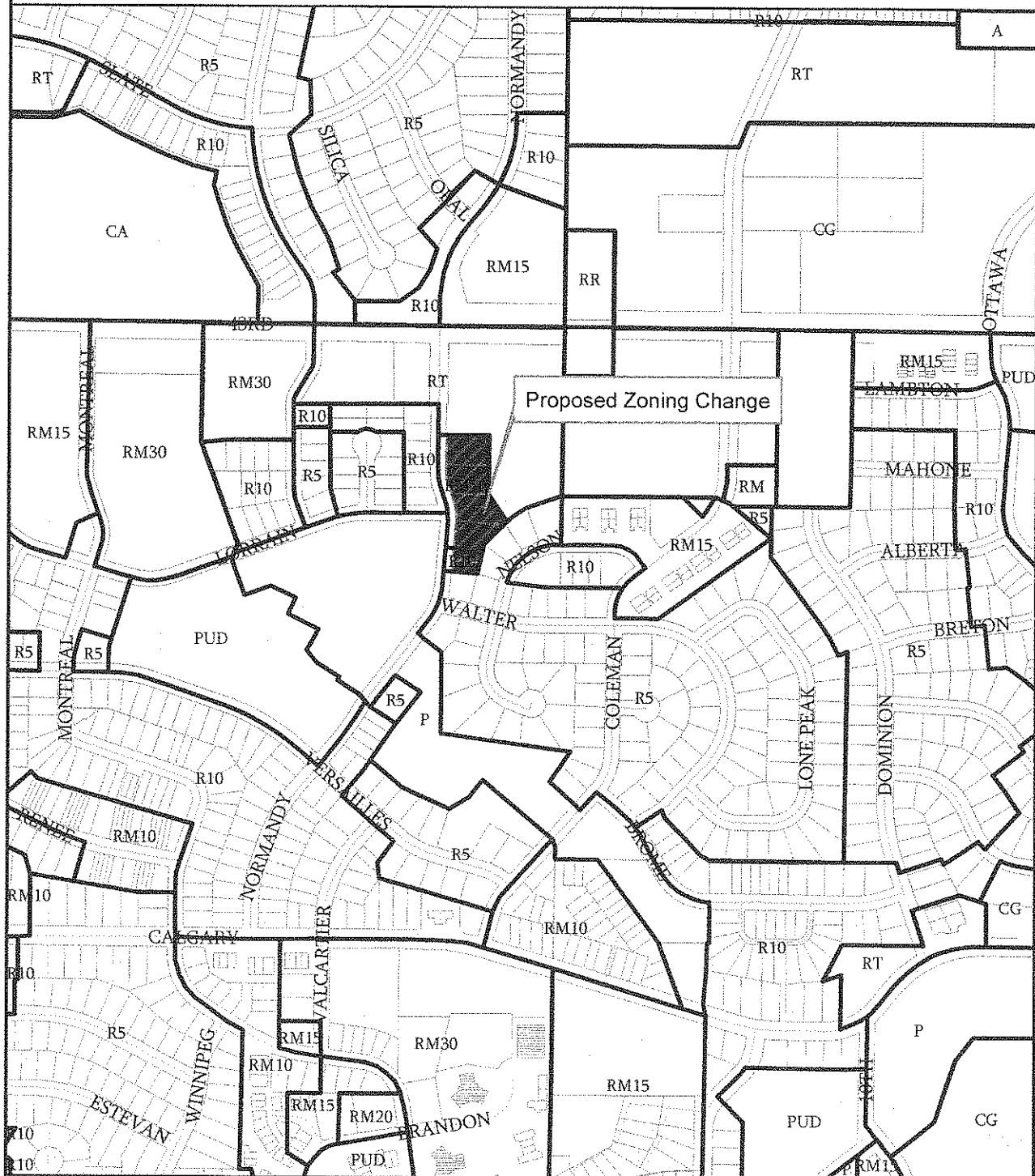
BACKGROUND:		
Title: Kilber North 2 nd Addition First Replat – Zoning Change (R10 & RM10 to R10)		
Status: Planning Commission – Public Hearing	Date: March 26, 2014	
Owner(s): Verity Homes of Bismarck, LLC (owner) Reddoor Homes (applicant)	Engineer: Swenson, Hagen & Co.	
Reason for Request: Replat and rezone the property to allow eight two-unit row houses.		
Location: In north Bismarck along the east side of Normandy Street and south of 43 rd Avenue NE (a replat of Lots 2-7, Block 2, Kilber North 2 nd Addition).		
Project Size: 2.72 acres	Number of Lots: 16 lots in 1 block	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: RM10 – Residential R10 – Residential	Land Use: Eight two-unit row houses	
Uses Allowed: RM10 – Multi-family residential R10 – Single and two-family residential	Zoning: R10 – Residential	
Maximum Density Allowed: RM10 – 10 units/acre R10 – 10 units/acre	Uses Allowed: R10 – Single and two-family residential	
Maximum Density Allowed: R10 – 10 units/acre		
PROPERTY HISTORY:		
Zoned: 04/2013	Platted: 04/2013 (replat in progress)	Annexed: 04/2013
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> The applicant is also replatting the property to create sixteen lots for eight twinhomes. The minor subdivision final plat for Kilber's North 2nd Addition First Replat was considered by the Planning & Zoning Commission at the February 26, 2014 meeting and forwarded to the Board of City Commissioners for final action at the regular meeting of March 25, 2014. 		
FINDINGS:		
<ol style="list-style-type: none"> The proposed zoning change is outside of the area covered by the Land Use Plan. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include developing mixed density residential and office uses to the west, P-Public zoned open space and developing one and two-family residential to the south, mixed density residential and office uses to the east, and developing mixed density residential to the north across 43rd Avenue NE. 		
<i>(continued)</i>		

3. The area is already annexed; therefore, the proposed zoning change would not place an undue burden on public services and facilities.
4. The proposed zoning change would not adversely affect property in the vicinity.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the zoning change from the R10 – Residential and the RM10 – Residential zoning districts to the R10 – Residential zoning district for Lots 1-16, Block 1, Kilber North 2nd Addition First Replat.

Proposed Zoning Change (R10 & RM15 to R10) Kilber's North 2nd Addition Replat

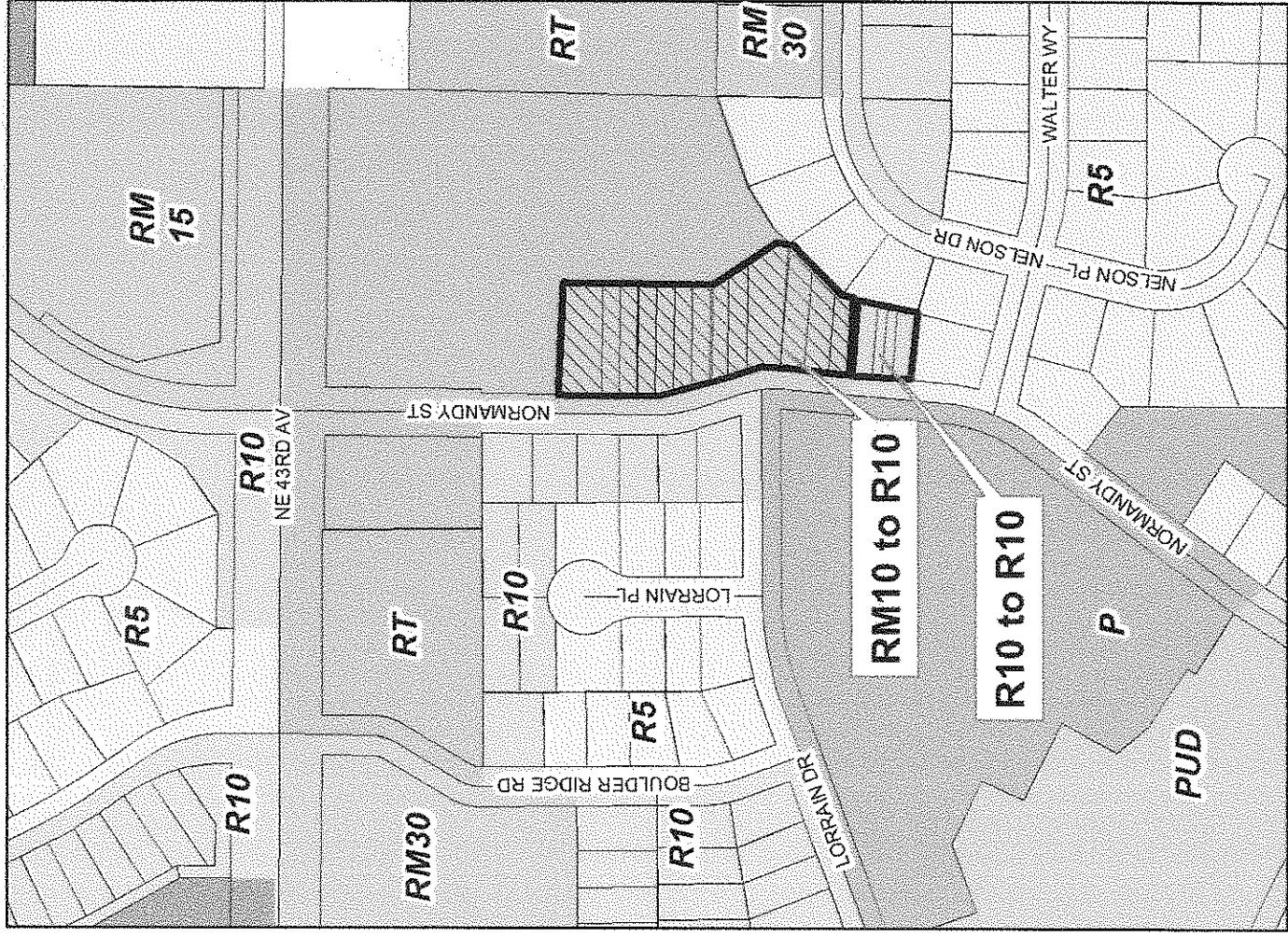


DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.
 Map was Updated/Created: February 19, 2014 (hib)

Source: City of Bismarck

0 550 1,100 Feet





This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Lots 1-2, Block 1, Hamilton's First Addition – Zoning Change (PUD to Conditional RM15)		
Status: Public Hearing – Reconsideration	Date: March 26, 2014	
Owner(s): Ron Knutson & Attas Boutrous (owners) Michael Baumgartner (applicant)	Engineer: Swenson, Hagen & Co.	
Reason for Request: Rezone the property to allow for a multi-family residential dwellings.		
Location: In northeast Bismarck, along the south side of Calgary Avenue and the east side of Hamilton Street.		
Project Size: 4.96 acres	Number of Lots: 2 lots in 1 block	
EXISTING CONDITIONS:		
Land Use: Vacant/Undeveloped	PROPOSED CONDITIONS:	
	Land Use: Four 12-unit multi-family dwellings & four twin homes	
Zoning: PUD – Planned Unit Development	Zoning: RM15 – Residential	
Uses Allowed: PUD – Limited industrial and service uses, wholesale and office uses.	Uses Allowed: RM15 – Multi-family dwellings including apartments, condos and townhouses	
Maximum Density Allowed: PUD – N/A	Maximum Density Allowed: RM15 – 15 units per acre	
PROPERTY HISTORY:		
Zoned: 05/2009	Platted: 05/2009	Annexed: 05/2009
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 1. Planning staff met with the applicant when the proposed project was brought forward. The initial request demonstrated multiple 12-unit apartment buildings and three twin homes on Lot 1; the proposal did not include the eastern lot, Lot 2. Planning staff informed the applicant that the project could not be supported as presented because of potential incompatible land uses on adjacent parcels to the east and south. Planning staff did suggest that the proposed project would be an adequate zoning transition from the west to the east if the project could include Lot 2. This would allow a zoning transition from multi-family dwellings on the west to two-family dwellings on the east. The existing land use to the east includes a single-family residential area that would be separated from the multi-family and twin home uses by an existing 6-foot high, 50-foot wide landscaped berm which was installed during the summer of 2011. The additional lot, Lot 2, was later added to the zoning change request and the concept plan was amended to include four, 3-story, 12-unit buildings and four twin homes. 2. The eastern boundary of the property currently has a 6-foot high, 50-foot wide earthen berm with trees and shrubs that were planted in conjunction with the initial development of the PUD. The landscaped berm is a requirement of the current PUD – Planned Unit Development zoning district to help buffer the single-family residential area to the east. 		

(continued)

The requirements of the Landscaping and Screening Ordinance (14-03-11)(11)(c) states, that "The owner, or successors in interest, or agent, if any, shall be responsible for regular maintenance of all landscaping in good condition in a way that presents a healthy, neat and orderly appearance. All landscaping must be maintained free from disease, pests, weeds and litter. This maintenance must include weeding, watering, fertilizing, pruning, mowing, edging, mulching and other maintenance, as needed and in accordance with acceptable horticultural practices. Dead plants must be promptly removed and replaced within the next growing season."

3. A public hearing on the request was held at the Board of City Commissioners meeting on February 26, 2014. The applicant has concerns with the conditions recommended by the Planning Staff and the City Planning & Zoning Commission. The Board of City Commissioners voted to send the request back to the Planning & Zoning Commission for reconsideration of the conditions.
4. There is some potential for incompatible land uses. In particular, the undeveloped lot (Lot 3) directly to the south is zoned PUD with limited industrial and service uses, along with wholesale and office uses permitted. There would be some physical separation between the proposed dwelling units on the southern portion of Lots 1 & 2 due to an underground pipeline easement; however, the necessary 50-foot wide buffer yard between Lots 1-2 and Lot 3 could not be constructed per ordinance requirements because of the pipeline easement. The undeveloped property to the south is zoned as a PUD – Planned Unit Development which allows limited industrial, service and wholesale land uses. Planning staff would be willing to work with the applicant and the land owners to the south to develop and appropriate buffer yard application to help mitigate incompatible land uses.

FINDINGS:

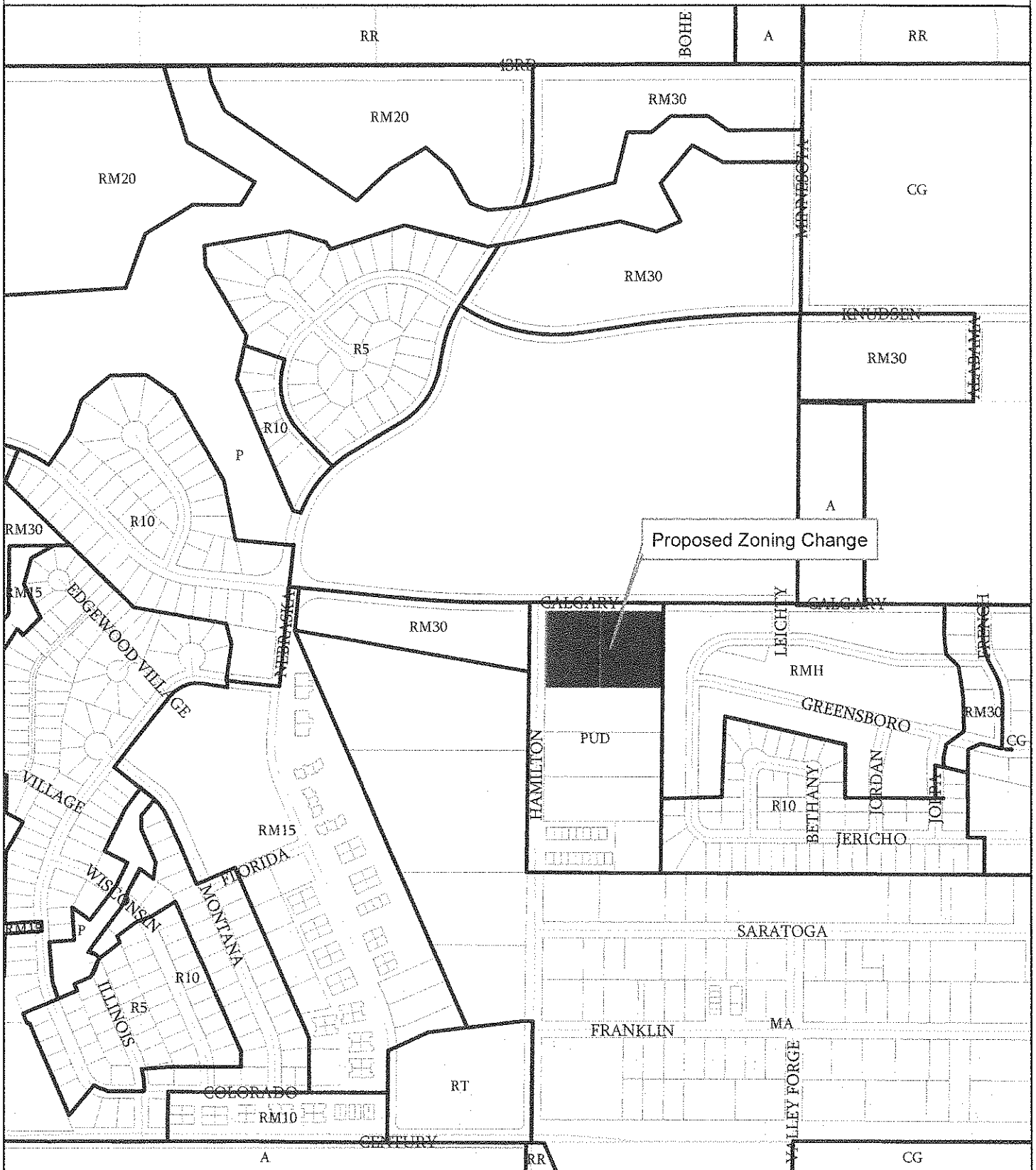
1. The proposed zoning change would not be entirely consistent with the Land Use Plan (Bismarck-Mandan Regional Future Land Use Plan), which was amended to allow industrial land uses prior to the zoning change of the parcel in 2009. However, because this amendment would move the boundary between land use classifications less than 600 feet, it would be considered a minor amendment and would be approved administratively in conjunction with the zoning change, if approved.
2. The proposed zoning change would be generally compatible with adjacent land uses, provided the proposed development includes a transitional land use between the multi-family dwellings and the single-family land use to the east. Adjacent land uses include Legacy High School to the north, multi-family residential to the west, undeveloped limited industrial and service uses to the south and single-family dwellings to the east which is buffered by a 6-foot high, 50-foot wide earthen berm with trees and shrubs installed atop the berm.
3. The property is already annexed; therefore, the proposed zoning change would not place an undue burden on public services.
4. The proposed zoning would not have an adverse impact on property in the vicinity.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, Planning staff recommends approval of the zoning change from the PUD – Planned Unit Development zoning district to the Conditional RM15 – Residential zoning district for Lots 1-2, Block 1, Hamilton's First Addition with the following conditions:

1. ~~Development of the site must generally conform to the site plan submitted with the application and is limited to four (4) 12-unit apartment buildings and four (4) twin homes located along the easternmost portion of the property.~~
2. The maximum height of any building is 35 feet. Building height is defined as "the average finished ground level adjoining the building if it sets back from the street line to the level of the highest point at the roof beams of flat roofs, or roofs including not more than one inch to the foot, and to the mean height level of the top of the main plate and highest ridge for other roofs".
3. ~~Lots 1 & 2, Block 1, Hamilton's First Addition must be combined as one parcel through the City's lot modification process.~~
4. ~~The twin homes must remain as part of the overall development and cannot be split off in the future and sold as individual lots.~~
5. A minor plat is submitted if the property is to be further subdivided.
6. A site plan for the both lots/the entire parcel is submitted to demonstrate how the proposed land residential densities relate internally as well as with adjacent properties.
7. The existing landscape berm shall remain in place until separate Board of City Commissioners action is taken to formally vacate the berm.

Proposed Zoning Change (PUD to RM15) Lots 1-2, Block 1, Hamilton's 1st Addition



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
 Map was Updated/Created: November 18, 2013 (hjb)

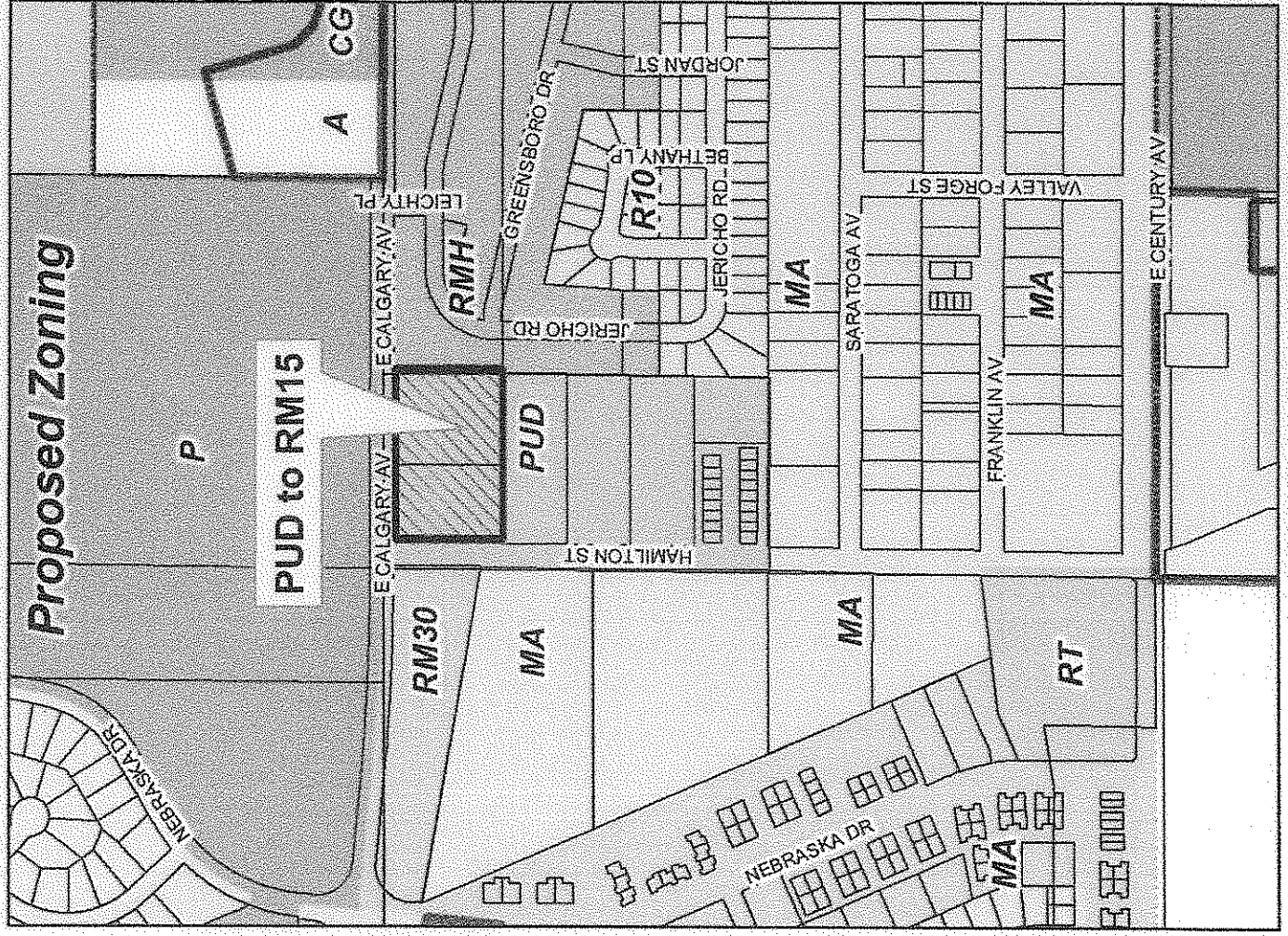
Source: City of Bismarck



Existing Zoning



Proposed Zoning



PUD to RM15

FEB 12 2014

616.38'

CALGARY AVE

40'

HAMILTON STREET

373.21'

10' UTILITY EASEMENT

263.16'

15.0' SA
15.0' SA

150' NA

374.94'

374.98'

263.16'

576.37'

313.21'

50' GAS PIPELINE EASEMENT
PER BK. 298 PG. 429

98671 S.F.
2.265 ACRES

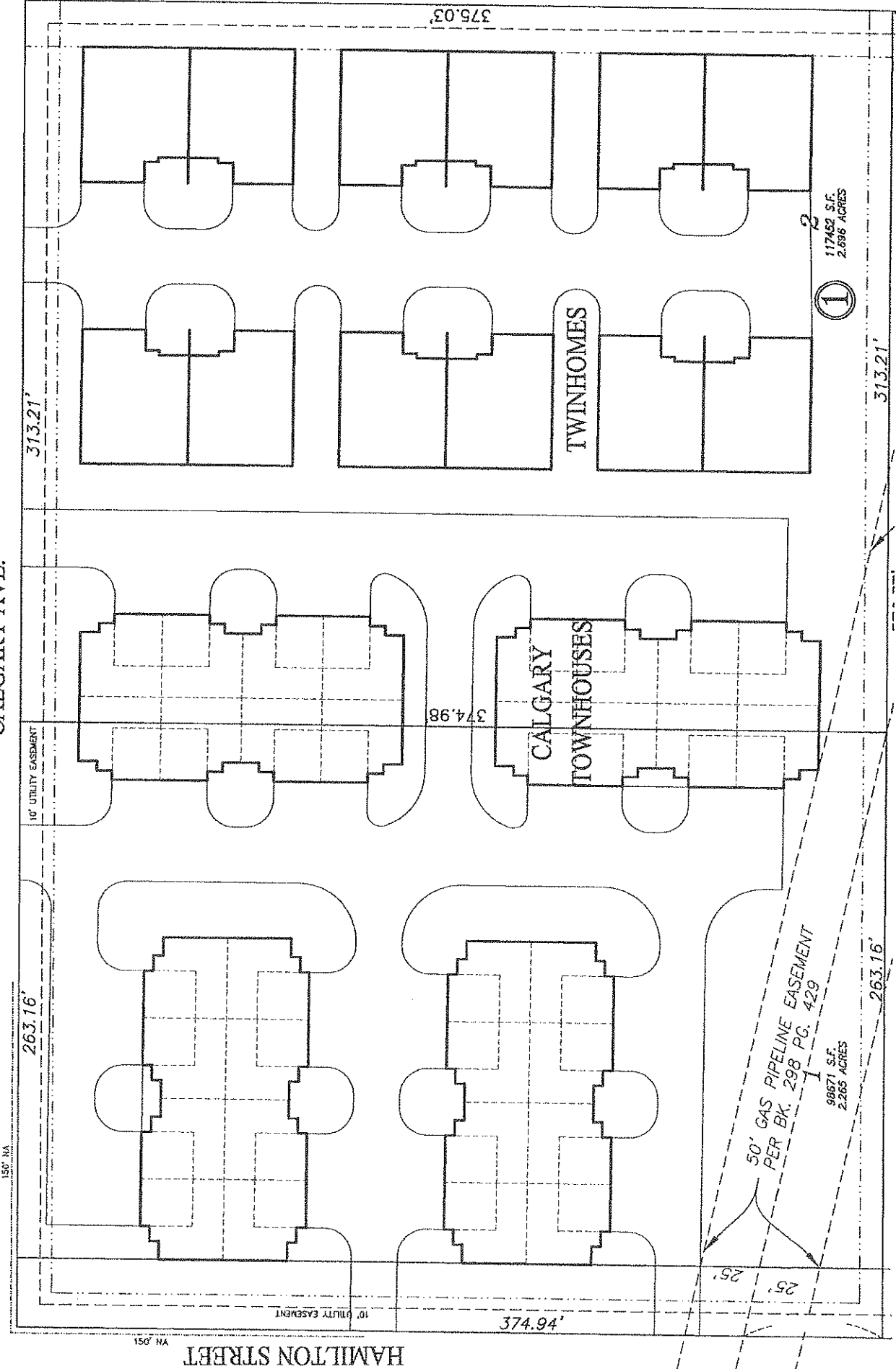
50' GAS PIPELINE EASEMENT
PER BK. 298 PG. 429

AD UNITS

PAGE 1

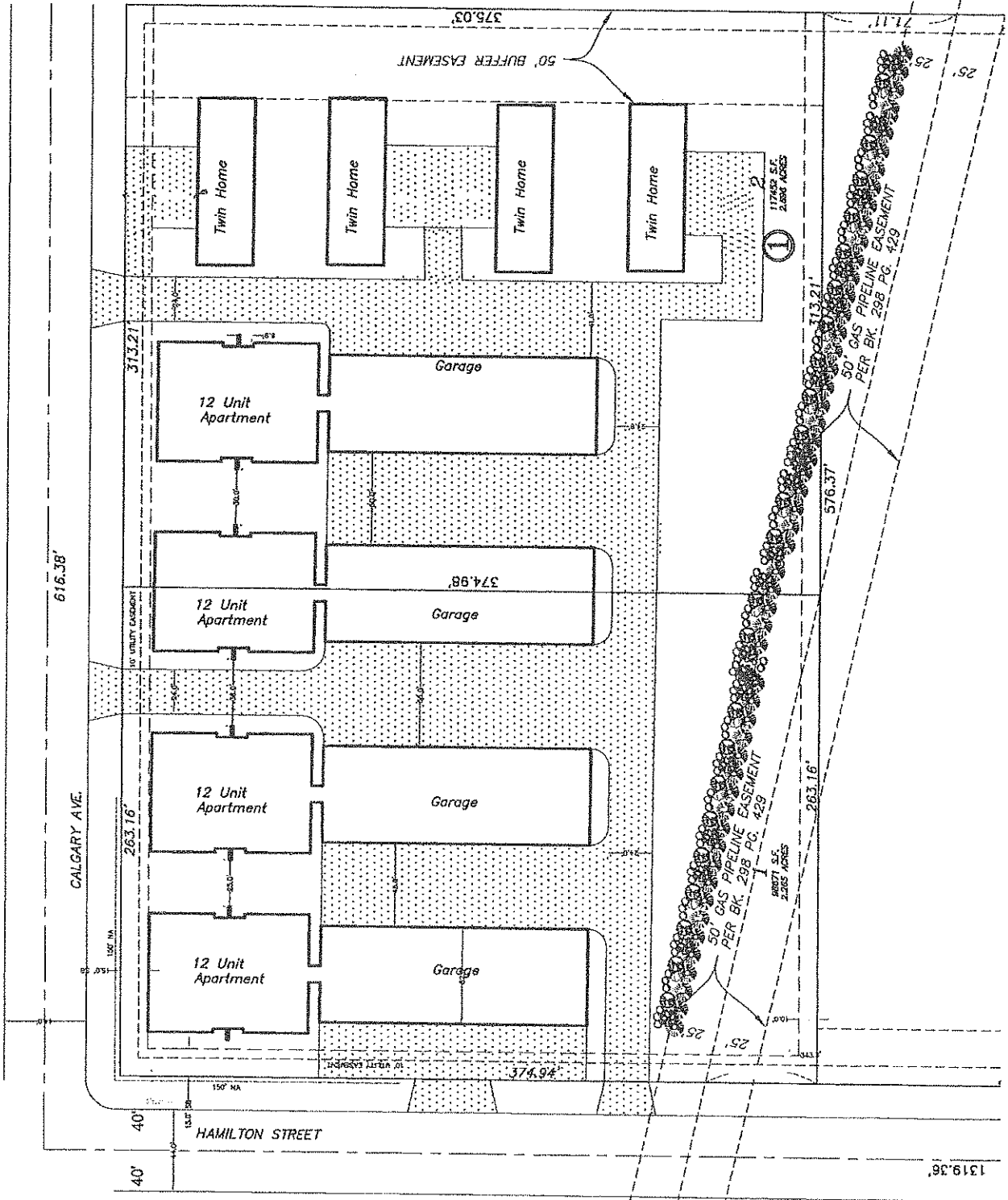
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CALGARY AVE.



44 UNITS PAGE 2

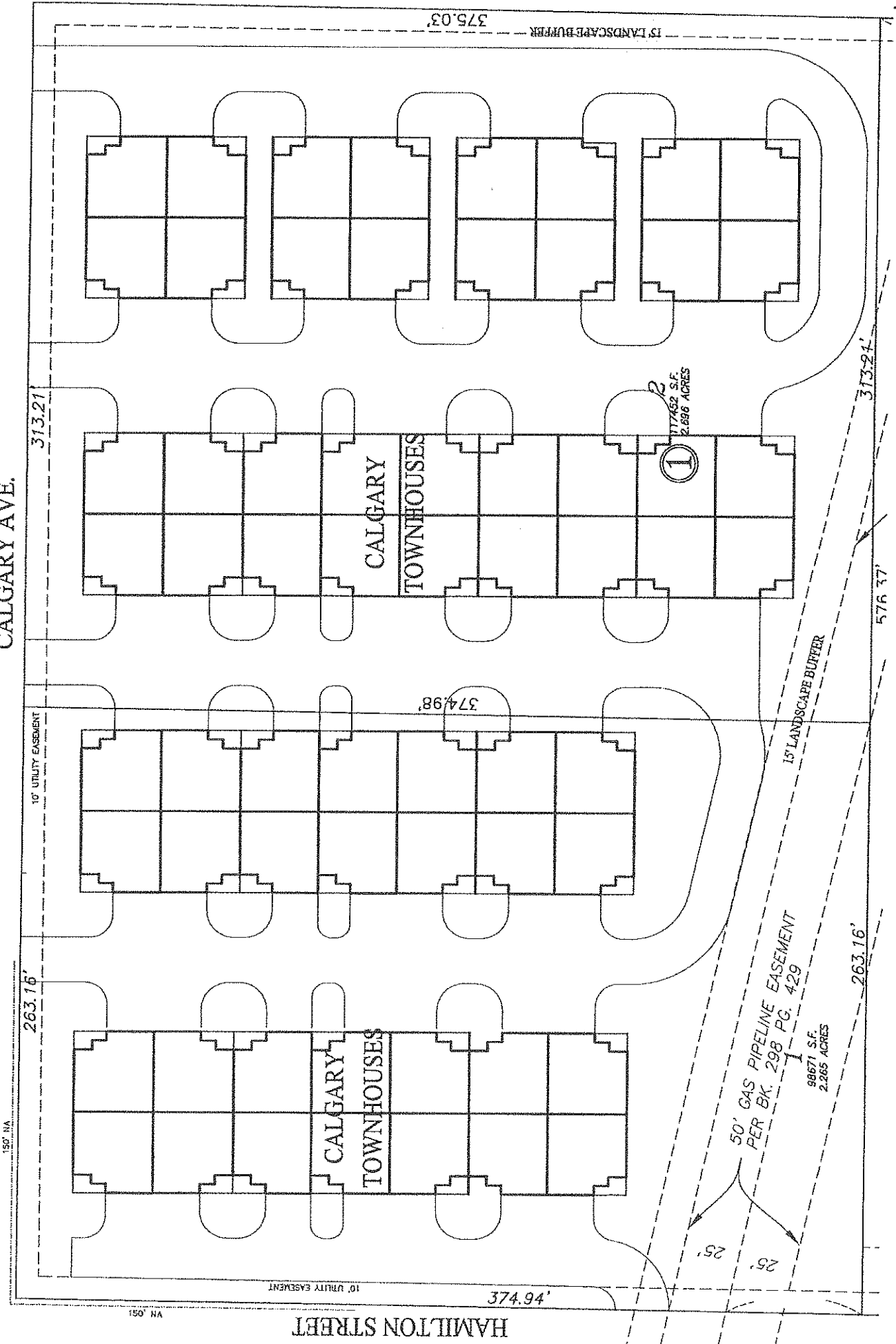
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56 UNITS PAGE 3

FEB 12 2014

CALGARY AVE.



62 LOTS PAGE 4

CITY OF BISMARCK

Ordinance No. XXXX

First Reading _____

Second Reading _____

Final Passage and Adoption _____

Publication Date _____

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-10 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO OFF-STREET PARKING AND LOADING.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-03-08 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Special Uses is hereby amended and re-enacted to read as follows:

14-03-10. Off-Street Parking and Loading.

1. Off-street parking. Except as provided elsewhere in this section, no application for a building permit or certificate of occupancy in any zone shall be approved unless there is included with the plan for such building improvement or use, a site plan showing the required space designated as being reserved for off-street parking purposes to be provided in connection with such building improvements or use in accordance with this section; and no certificate of occupancy shall be issued unless the required facilities have been provided. Each required parking space shall be of an area at least nine (9) feet wide and eighteen (18) feet in length, in addition to the ingress and egress driveways required. All off-street parking spaces required and all driveways on private property leading to such parking areas shall be surfaced with a dustless all-weather hard surface material. Acceptable surfacing materials include asphalt, concrete, brick, cement pavers or similar materials installed and maintained according to industry standards. Crushed rock or gravel shall not be considered an acceptable surfacing material. All parking areas containing four (4)

or more spaces or containing angled parking shall have the parking spaces and aisles clearly marked on the pavement. The number of off-street parking spaces shall be provided on the basis of the following minimum requirements:

* * * * *

h. Retail establishments, including personal service shops, equipment or repair shops:

1) In a RT, CA, ~~CB~~, CG, CR commercial and MA industrial district - Off-street parking shall be provided in an amount equivalent to one space for each two hundred (200) square feet of gross floor space area on the ground floor, plus one space for each three hundred (300) square feet of gross floor area in a basement or any story above the ground floor; except that a furniture store shall have one space for each six hundred square feet of gross floor area.

2) ~~In a CR commercial zone~~ In a CA, CG, CR commercial and MA industrial district for a multi-tenant shopping center with a minimum of 30,000 square feet of leasable area and a minimum of five tenants - Off-street parking shall be provided in an amount equivalent to ~~five~~ 5.0 spaces per thousand one space for each two hundred fifty (250) square feet of gross leasable area, provided the area of all assembly uses within the shopping center do not exceed twenty-five (25) percent of the total leasable area. Where minimum setbacks occur, no parking shall be allowed between a building and an adjacent street. A site circulation plan shall be prepared by the shopping center and approved by the ~~Building Official~~ Zoning Administrator.

* * * * *

13. Mixed uses. In the case of mixed uses, except as provided for in subsection 1(h)(2) of this section for a multi-tenant shopping center, the total requirements for off-street parking and off-street loading space shall be the sum of the requirements of the various uses computed separately as specified in subsections 1 and 2 of this

section, and the off-street parking and off-street loading space for one use shall not be considered as providing the required off-street parking or off-street loading space for any other use.

* * * * *

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance shall take effect following final passage and adoption.

CITY OF BISMARCK

Ordinance No. 60XX

<i>First Reading</i>	
<i>Second Reading</i>	
<i>Final Passage and Adoption</i>	
<i>Publication Date</i>	

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-01-06, 14-06-03 and 14-07-02 OF THE CITY OF BISMARCK CODE OF ORDINANCES (1986 Rev.) BY AMENDING THE SECTIONS RELATING APPEAL PROCESS OF THE COMMISSION, APPEAL PROCEDURE AND PROCEDURE.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-01-06 relating to Appeal Process of Commission (Planning and Zoning Commission) is hereby amended and re-enacted as follows:

14-01-06. Appeal Process of Commission. Any final decision of the city planning and zoning commission may be appealed to the city commission by either the aggrieved applicant or the applicant's ~~agent~~ representative or by any officer, department, board, or bureau of the city. Notice of appeal in writing shall be delivered to the office of the city administrator or other designated official to the community development department within 10 calendar days of the city planning and zoning commission's decision. A hearing shall be set before the city commission within 30 days of the receipt of the notice of appeal unless otherwise agreed by the applicant.

1. For an appeal from the denial of a zoning change ordinance or a zoning ordinance text amendment or for any item requiring a public hearing at the city commission, the hearing on appeal will only consider the question of whether or not to reverse the decision of the planning and zoning commission, introduce the ordinance, if necessary, and call for a public hearing on the zoning change ordinance, text amendment ordinance or other item requiring

a public hearing. At the hearing, only the aggrieved applicant or their representative, a person entitled to receive mailed written notice of the application or an officer, department, board or bureau of the city may argue for or against the appeal. No new evidence may be presented and the review is limited to the record as received from the planning and zoning commission and the arguments at the hearing.

2. After the hearing, the city commission shall decide the appeal on its merits and shall issue its written decision containing its findings and an appropriate order. The written decision shall be issued within 10 calendar days of the close of the hearing. If the city commission decides to reverse the decision of the planning and zoning commission and call for a public hearing and second reading on the ordinance zoning change ordinance, the zoning ordinance text amendment, or any other item requiring a public hearing, a hearing will be set for a date that allows the public hearing to be appropriately noticed pursuant to the North Dakota Century Code and this code of ordinances. The written decision shall be issued within 10 days of the close of the hearing.

3. ~~At the public hearing resulting from an appeal shall be conducted in accordance with Section 14-07-02(6-8)., each party may present evidence consisting of sworn testimony and exhibits introduced through sworn testimony, in any order deemed sufficient by the city commission so long as each party is given a full opportunity to be heard. After the hearing, the city commission shall decide the issue on its merits and shall issue its written decision containing its findings and an appropriate order. The written decision shall be issued within 10 days of the close of the hearing.~~

4. For all appeals from the denial of a request prior to a public hearing at the planning and zoning commission, the hearing on appeal will only consider whether or not to require a public hearing or further action at the planning and zoning commission and shall be conducted pursuant to paragraphs 1 and 2 of this section. The action of the city commission regarding the appeal is limited to denying the appeal and upholding the planning and zoning commission or reversing the planning and zoning commission and sending

the matter back to the planning and zoning commission for further action.

5. For all other appeals from a final decision of the planning and zoning commission for which the decision of the city commission will be final, the hearing shall be conducted according to Section 14-07-02(6-8).

A final decision of the city commission on an appeal from a decision of the planning and zoning commission may be appealed to the district court in the manner provided in NDCC Section 28-34-01.

*Reference: NDCC Sec. 40-47-01.1, Home Rule Charter for the City of Bismarck, Article 3, Section 11.
(Ord. 4486, 04-27-93; Ord. 4501, 04-27-93; Ord. 5446, 07-26-05)*

Section 2. Amendment. Section 14-06-03 relating to Appeal Procedure (Board of Adjustment) is hereby amended and re-enacted as follows:

14-06-03. Appeal Procedure.

1. Appeal - How taken: An appeal to the board of adjustment may be taken by any aggrieved applicant, including any person, firm, or corporation aggrieved, or by any governmental officer, department, board, or bureau affected by any decision of the Building-Official Zoning Administrator based in whole or in part upon the provisions of this article. Such appeal shall be taken within such time as shall be prescribed by the board of adjustment by general rule, by filing with the Building-Official Zoning Administrator and with the board of adjustment at the community development department, a notice of appeal and specifying the grounds thereof. The Building-Official Zoning Administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the Building-Official Zoning Administrator certifies to the board of adjustment, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application, and notice to the Building-Official Zoning Administrator and on due cause shown.

2. Appeal - Procedure. The board of adjustment shall fix a reasonable time for the hearing of an appeal or for action on any matter upon which it is required to pass under this article and give due notice thereof to interested parties, and make all decisions within a reasonable time. Upon any hearing, any party to the appeal may appear in person or by agent representative or attorney. The concurring vote of four members of the board shall be necessary to reverse an order, requirement, decision or determination of the ~~Building Official~~ Zoning Administrator or other official, or to decide in favor of the applicant any matter upon which it is required to pass under this article. The board shall adopt rules of procedure and shall keep records of applications and action thereon, which shall be a public record.

3. Appeal to the Board of City Commissioners. A decision of the board of adjustment may be appealed to the board of city commissioners by either the aggrieved applicant or by any officer, department, board, or bureau of the city by filing, within fifteen (15) calendar days after notice of the decision, with the office of the city auditor administrator or the community development department, a notice of appeal pursuant to the provisions of section 40-47-11, NDCC. The board of city commissioners shall fix a time, within thirty days, for the hearing of the appeal and shall give due notice of the hearing to the parties. The appeal shall be decided within a reasonable time. Any party to the appeal may appear in person or by agent representative or by attorney at the hearing of the board of city commissioners on the appeal. The board of city commissioners may reverse or affirm the decision of the board of adjustment, in whole or in part, or may modify the order, decision or determination appealed.

(Ord. 4486, 04-27-93; Ord. 5728, 05-26-09)

Section 3. Amendment. Section 14-07-02 relating to Procedure is hereby amended and re-enacted as follows:

14-07-02. Procedure.

1. Initiation of Amendments. Amendments to the zoning ordinance shall be initiated only in the following manner:

- a. Amendments to the text of the ordinance and/or changes in the zoning boundaries or

classification of properties shown on the zoning map may be initiated by the board of city commissioners or the planning commission.

b. Amendments to the zoning boundaries or classification of property shown on the zoning map may be initiated by property owners of the land proposed to be rezoned, by the filing with the planning commission secretary of a zoning change application, which application shall be provided by the planning commission secretary, and accompanied by the applicable fee and all other materials and data required in said application.

2. Application for Amendment.

a. The zoning change application shall be completed and filed by all owners of the property proposed to be changed, or his/their designated agent representative.

b. The zoning change application shall be submitted to the Director of Community Development by the specified application deadline and on the proper form and shall not be accepted by the Director of Community Development unless and until all of the application requirements of this section have been fulfilled.

3. Preliminary Consideration by Planning Commission. The planning commission secretary, upon the satisfactory fulfillment of the zoning change application and requirements contained herein, shall schedule the requested amendment for a regular or special meeting of the planning commission, but in no event later than sixty (60) calendar days following the filing and acceptance of the application. The planning commission may approve and call for a public hearing on the request, deny the request or table the request for additional study.

4. Public Hearing by Planning and Zoning Commission. Following preliminary approval of a zoning change application, the Director of Community Development shall set a time and place for a public hearing thereon. Notice of the time and place of holding such public hearing shall be published in a newspaper of general circulation in the

City of Bismarck once each week for two (2) consecutive weeks prior to the hearing. Not less than ten (10) days prior to the date of the scheduled public hearing, the City shall attempt to notify all known adjacent property owners within three hundred (300) feet of the proposed zoning change. "Notify" shall mean the mailing of a written notice to the address on record with the City Assessor or Burleigh County Auditor. The failure of adjacent property owners to actually receive the notice shall not invalidate the proceedings. The Planning and Zoning Commission may approve, approve subject to certain stated conditions being met, deny or table the application for further consideration and study.

5. Planning and Zoning Commission Recommendations. Following approval by the Planning and Zoning Commission after the public hearing, the Director of Community Development shall forward the proposed amendment to the Board of City Commissioners together with the Planning and Zoning Commission's recommendation and a report fully setting forth the reasons for such recommendation. If the Planning and Zoning Commission denies the request, the proposed amendment shall not be forwarded to the Board of City Commissioners unless appealed pursuant to Section 14-01-06.

6. Board of City Commissioners' Actions. Upon receipt of the Planning Commission's recommendation and report, the Board of City Commissioners shall consider the proposed amendment and, if they agree, schedule a public hearing on same within ninety (90) days following the time said recommendation and report were first received by the Secretary to the Board of City Commissioners. Notice of the time and place of holding such public hearing shall first be published in a newspaper of general circulation in the City of Bismarck once each week for two (2) consecutive weeks prior to the hearing. At the public hearing, each party and other interested persons may present evidence or argument consisting of testimony and exhibits introduced through either sworn or unsworn testimony, as required by the city commission, in any order deemed sufficient by the city commission so long as all interested parties or persons are given a reasonable opportunity to be heard. All of the records of the proceeding before the planning and zoning commission are deemed to be part of the record for this public hearing. The record before the planning

and zoning commission transmitted to the city commission shall become part of the record of the public hearing. A hearing shall be granted to any person interested, and the time and place specified. Following the public hearing on the proposed amendment, the Board of City Commissioners may approve, approve subject to certain stated conditions being met, deny or table the application for further consideration and study by either staff or the planning and zoning commission.

7. Protest. If a protest petition against a change, supplement, modification, amendment or repeal of the zoning ordinance is filed and is signed by owners of twenty (20) per cent or more of the property immediately adjacent and within one hundred fifty (150) feet of the request, excluding street right-of-way widths, the amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all members of the board of city commissioners. Otherwise, said amendment shall not be approved or adopted without proceeding anew as in the case of a new amendment.

8. No amendments to the zoning ordinance shall be approved for a change in zoning classification different from the one applied for and contained in the public notice of hearing except that a downzoning may be approved. No amendments to the zoning ordinance shall be approved for a change in zoning classification ~~nor~~ for any land not included ~~therein~~ in the application and the public notice of the hearing without referring said change to the planning commission for its review and recommendations, and proceeding pursuant to subsections (2), (3) and (4) above, provided, however, that an amendment may be approved for only a portion of the area proposed for rezoning if the portion rezoned is accurately and sufficiently delimited in the approval action.

9. Withdrawal of Applications. Any application filed pursuant to subsection (b) of subsection (2) above may be withdrawn upon written request by the applicant any time prior to the submission of any public hearing notice for advertisement; provided, that the request for withdrawal shall be only with the consent of either the planning commission or the board of city commissioners, whichever body has advertised the hearing, or their respective secretaries.

(Ord. 4222, 1-03-89; Ord. 4298, 10-31-89; Ord. 4647, 12-06-94; Ord. 4946, 10-27-98; Ord. 5214, 11-12-02, Ord. 5218, 11-26-02; Ord. 5343, 06-22-04; Ord. 5728, 05-26-09)

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. Effective Date. This ordinance shall take effect following final passage and adoption.

CITY OF BISMARCK

Ordinance No. XXXX

<i>First Reading</i>	
<i>Second Reading</i>	
<i>Final Passage and Adoption</i>	
<i>Publication Date</i>	

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-04-07 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO THE RM RESIDENTIAL DISTRICT, USED PERMITTED.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-04-07 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the RM Residential District is hereby amended and re-enacted to read as follows:

14-04-07. RM Residential District. In any RM residential district the following regulations shall apply:

* * * * *

2. Uses permitted. The following uses are permitted.

* * * * *

g. Single-family and two-family dwelling only within the following described area:

1) Area bounded by Washington Street, Boulevard Avenue, Sixteenth Street and Broadway Avenue;

2) Area bounded by Ninth Street, Sweet Avenue, ~~Sixteenth Street~~ Airport Road and Indiana Avenue;

3) Area bounded by Third Street, Divide Avenue, Fourth Street and Boulevard Avenue.

* * * * *

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance shall take effect following final passage, adoption and publication.

CITY OF BISMARCK

Ordinance No. XXXX

First Reading _____

Second Reading _____

Final Passage and Adoption _____

Publication Date _____

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-02-03, 14-03-08, 14-03-10, 14-04-01, 14-04-01.1, 14-04-03, 14-04-06, 14-04-07, 14-04-08, 14-04-09, 14-04-10, 14-04-12, 14-04-13, 14-04-14, 14-04-17 AND 14-04-21 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO RELIGIOUS INSTITUTIONS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-02-03 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Definitions is hereby amended and re-enacted to read as follows:

14-02-03. Definitions. The following definitions represent the meanings of terms as they are used in these regulations:

* * * * *

Religious Institution. A building that primarily provides a meeting area for religious activities and related social events. Examples include churches, chapels, temples, synagogues, mosques or any other building or portion of a building used for this purpose.

* * * * *

Section 2. Amendment. Section 14-03-08 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Special Uses is hereby amended and re-enacted to read as follows:

14-03-08. Special Uses.

* * * * *

4. Permanent uses (planning commission approval). The city planning and zoning commission is authorized to grant special use permits for the following uses:

* * * * *

b. Cemetery. A cemetery, mausoleum or columbarium (except for columbarium allowed as an accessory use to a church religious institution in accordance with this section) may be permitted in any A or P district as a special use, provided:

* * * * *

f. Churches Religious Institutions. A church religious institution may be permitted in any RR, RR5, R5, R10, RM, or RT district except MA, MB, P or RMH districts as a special use, provided:

1. The lot area, lot width, front yard, side yard, rear yard and height limits of a church religious institution shall conform to the lot, yard and height requirements specified for a principal building in the district regulations where the building permit is requested.

2. The ground area occupied by the principal and accessory buildings shall not exceed thirty-five (35) percent of the total area of the lot.

3. Space for off-street parking shall be provided as per section 14-03-10 hereof or as the city planning and zoning commission may require.

4. No application for a building permit or certificate of occupancy in any zone shall be approved unless there is included with the plan for such building a plot plan showing the open space designated as being reserved for off-street parking purposes to be provided in connection with such building and no certificate of occupancy shall be issued unless the required facilities

have been provided in accordance with those shown on the approved plan.

5. A columbarium is allowed as an accessory use to a church religious institution in any district in which a church religious institution is permitted, provided it is included within the principal structure.

* * * * *

1. Adult entertainment centers. Notwithstanding anything in this zoning ordinance to the contrary, an adult entertainment center shall be permitted only in an MA or MB district and in no other district, providing the center meets the following conditions:

1. The center is located no closer than two thousand (2,000) feet from any preexisting church religious institution, school, or residentially zoned property and/or property used for residential purposes.

* * * * *

s. Retail Liquor Sales. Retail liquor sales for Burleigh County Class AA, B, D and E liquor license holders may be permitted within the city's four-mile extraterritorial jurisdiction in any CA, CB, CG, CR or MA district as a special use provided:

1. The site is not within three hundred (300) feet from the nearest lot line point of any church religious institution, public or parochial school, public library, hospital, or college or university building used for academic purposes.

* * * * *

u. Microbrewery. A microbrewery may be permitted in any CG or DC district as a special use provided:

1. The site may not be located within three hundred (300) feet of the nearest lot line of any church religious institution, public or parochial

school, public library, hospital, or college or university building used for academic purposes, unless the entity(s) affected by the above limitation consent to the granting of the special use permit.

* * * * *

Section 3. Amendment. Section 14-03-10 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Off-street Parking and Loading is hereby amended and re-enacted to read as follows:

14-03-10. Off-Street Parking and Loading.

1. Off-street parking.

* * * * *

u. ~~Churches and other~~ Religious institutions:
One space for each sixty (60) square feet of gross floor area in the largest assembly area.

* * * * *

Section 4. Amendment. Section 14-04-01 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to RR Residential District is hereby amended and re-enacted to read as follows:

14-04-01. RR Residential District. In any RR residential district, the following regulations shall apply:

* * * * *

The following special uses are permitted as per Section 14-03-08 hereof:

a. Child care centers.

b. ~~Church~~ Religious institution.

* * * * *

Section 5. Amendment. Section 14-04-01.1 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to RR5 Residential District is hereby amended and re-enacted to read as follows:

14-04-01.1. RR5 Residential District. In any RR5 residential district, the following regulations shall apply:

* * * * *

The following special uses are permitted as per Section 14-03-08 hereof:

- a. Child care centers.
- b. Church Religious institution.

* * * * *

Section 6. Amendment. Section 14-04-03 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to R5 Residential District is hereby amended and re-enacted to read as follows:

14-04-03. R5 Residential District. In any R5 residential district the following regulations shall apply:

* * * * *

The following special uses are permitted as per Section 14-03-08 hereof:

- a. Child care centers.
- b. Church Religious institution.

* * * * *

Section 7. Amendment. Section 14-04-06 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to R10 Residential District is hereby amended and re-enacted to read as follows:

14-04-06. R10 Residential District. In any R10 residential district, the following regulations shall apply:

* * * * *

The following special uses are permitted as per Section 14-03-08 hereof:

- a. Child care centers.
- b. Church Religious institution.

* * * * *

Section 8. Amendment. Section 14-04-07 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to RM Residential District is hereby amended and re-enacted to read as follows:

14-04-07. RM Residential District. In any RM residential district the following regulations shall apply:

* * * * *

The following special uses are permitted as per Section 14-03-08 hereof:

- a. Child care centers.
- b. Church Religious institution.

* * * * *

Section 9. Amendment. Section 14-04-08 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to RT Residential District is hereby amended and re-enacted to read as follows:

14-04-08. RT Residential District. In any RT residential district the following regulations shall apply:

* * * * *

The following special uses are permitted as per Section 14-03-08 hereof:

- a. Church Religious institution.
- b. Child care center.

c. Mortuary/funeral homes.

* * * * *

Section 10. Amendment. Section 14-04-09 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to HM Medical Facility District is hereby amended and re-enacted to read as follows:

14-04-09. HM Medical Facility District.

* * * * *

The following special uses are permitted as per Section 14-03-08 hereof:

- a. Child care center.
- b. Church Religious institution.

* * * * *

Section 11. Amendment. Section 14-04-10 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to CA Commercial District is hereby amended and re-enacted to read as follows:

14-04-10. CA Commercial District. In any CA commercial district, the following regulations shall apply:

* * * * *

2. Uses permitted. The following uses are permitted:

- a. A single- or two-family dwelling when used in conjunction with a commercial use.
- b. Multifamily dwelling.
- c. Group dwelling.
- d. Row houses/townhouses (subject to RM residential zone regulations).
- e. Retail group A.

- f. Service group A.
- g. Office-bank group.
- h. Health-medical group.
- i. Public recreation group.
- j. Education group.
- k. Religious institution.

The following special uses are permitted as per Section 14-03-08 hereof:

- a. Temporary Christmas tree sales.
- b. Temporary farm and garden produce sales.
- c. Filling station.
- d. Seasonal nursery and bedding stock sales.
- ~~e. Church.~~
- ~~fe.~~ Child care center.
- ~~gf.~~ Drive-in bank.
- ~~hg.~~ Retail liquor sales.

* * * * *

Section 12. Amendment. Section 14-04-12 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to CG Commercial District is hereby amended and re-enacted to read as follows:

14-04-12. CG Commercial District. In any CG commercial district the following regulations shall apply:

* * * * *

2. Uses permitted. The following uses are permitted:

- a. A single- or two-family dwelling when used in conjunction with a commercial use.

- b. Multifamily dwelling.
- c. Group dwelling.
- d. Multifamily high rise.
- e. Hotel-motel.
- f. Retail group A.
- g. Service group A.
- h. Office-bank group.
- i. Retail group B.
- j. Service group B.
- k. Commercial recreation group.
- l. Wholesale group.
- m. Health-medical group.
- n. Education group.
- o. Public recreation group.
- p. Railroad or bus passenger station.
- q. Commercial greenhouse.
- r. Commercial parking lot.
- s. Religious institution.

The following special uses are allowed as special uses pursuant to Section 14-03-08 hereof:

- a. Temporary Christmas tree sales.
- b. Temporary religious meetings.
- c. Temporary farm and garden produce sales.

- d. Seasonal nursery and bedding stock sales.
- e. Filling station.
- ~~f. Church.~~
- ~~gf.~~ Drive-in retail or service establishment.
- ~~hg.~~ Child care center.
- ~~ih.~~ Small animal veterinary clinic.
- ~~ji.~~ Golf driving range.
- ~~kj.~~ Auto laundry - car wash.
- ~~lk.~~ Retail liquor sales.
- ~~ml.~~ Microbrewery.

* * * * *

Section 13. Amendment. Section 14-04-13 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to CR Commercial District is hereby amended and re-enacted to read as follows:

14-04-13. CR Commercial District.

* * * * *

- 2. Uses permitted. The following uses are permitted:
 - a. Retail group A.
 - b. Service group A.
 - c. Office-bank group.
 - d. Commercial recreational group.
 - e. Health-medical group.
 - f. Religious institution.

The following uses are allowed under special uses pursuant to Section 14-03-08 hereof:

- a. Temporary Christmas tree sales.
- b. Temporary farm and garden produce sales.
- c. Seasonal nursery and bedding stock sales.
- d. Filling station.
- e. Child care center.
- f. Drive-in retail or service establishment.
- ~~g. Church.~~
- ~~hg.~~ Auto laundry - car wash.
- ~~ih.~~ Retail liquor sales.

* * * * *

Section 14. Amendment. Section 14-04-14 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to MA Industrial District is hereby amended and re-enacted to read as follows:

14-04-14. MA Industrial District. In any MA industrial district the following regulations shall apply:

* * * * *

- 2. Uses permitted. The following uses are permitted:
 - a. Hotel-motel.
 - b. Retail group A.
 - c. Retail group B.
 - d. Service group A.
 - e. Service group B.
 - f. Wholesale group.

- g. Truck terminal.
- h. Railroad or bus passenger station.
- i. Railroad freight station.
- j. Industrial group A.
- k. Radio or television transmitting station.
- l. Commercial recreation group.
- m. Office-bank group.
- n. Religious institution.

The following uses are allowed as special uses pursuant to Section 14-03-08 hereof:

- a. Temporary Christmas tree sales.
- b. Temporary religious meetings.
- c. Temporary circus/fair/carnival.
- d. Temporary farm and garden produce sales.
- e. Temporary fireworks sales.
- f. Seasonal nursery and bedding stock sales.
- g. Solid waste disposal facility.
- h. Airport.
- i. Recreational vehicle park.
- j. Filling station.
- k. Drive-in retail or service establishment.
- l. Motor vehicle parts salvage yard.
- m. Small animal veterinary clinic.

- n. Animal hospital or kennel.
- o. Golf driving range.
- p. Junkyard.
- q. Retail liquor sales.
- r. Racetracks.
- s. Child care center.

* * * * *

Section 15. Amendment. Section 14-04-17 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to A Agricultural District is hereby amended and re-enacted to read as follows:

14-04-17. "A" Agricultural District. In an A agricultural district, the following regulations shall apply:

* * * * *

- 2. Uses permitted. The following uses are permitted.
 - a. Public recreation group.
 - b. Farming group.
 - c. Golf course.
 - d. Livestock sales pavilion.
 - e. Loam stripping.
 - f. Oil or gas well.
 - g. Radio or television transmitting station.
 - h. Sand or gravel extraction and processing.
 - i. Sewage treatment plant.

j. One single-family dwelling shall be allowed for each parcel of land not less than forty (40) acres in size or the aliquot part of a corrective section intended to comprise a quarter-quarter-section, provided such aliquot part is not less than thirty-five (35) acres in size. For purposes of this section, a parcel refers to a contiguous tract of land which is taxed as a single tax parcel, located within a single section of land, and not bisected by a public roadway.

k. Family child care.

The following special uses are allowed as per Section 14-03-08 hereof:

- a. Temporary circus/fair/carnival.
- b. Temporary Christmas tree sales.
- c. Temporary religious meetings.
- d. Seasonal nursery and bedding stock sales.
- e. Temporary fireworks sales.
- f. Temporary farm and garden produce sales.
- g. Solid waste disposal facility.
- h. Recreational vehicle park.
- i. Small animal veterinary clinic.
- j. Animal hospital or kennel.
- k. Airport.
- l. Cemetery.
- m. Junkyard.
- n. Child care center.
- o. ~~Church~~ Religious institution.
- p. Golf driving range.

q. Vehicular racetrack.

r. Hazardous material bulk storage plant.

* * * * *

Section 16. Amendment. Section 14-04-21 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Downtown Districts is hereby amended and re-enacted to read as follows:

* * * * *

14-04-21. Downtown Districts.

* * * * *

14-04-21.3 Use Categories.

* * * * *

3. Institutional Uses.

* * * * *

f. Religious Institutions. Religious institutions primarily provide meeting areas for religious activities and related social events. Examples include churches, chapels, temples, synagogues and mosques and any other building or portion of a building used for this purpose.

* * * * *

14-04-21.4 Use Standards.

* * * * *

5. Microbrewery.

a. The site may not be located within three hundred (300) feet of the nearest lot line of any church religious institution, public or parochial school, public library, hospital, or college or university building used for academic purposes, unless

the entity(s) affected by the above limitation consent to the granting of the special use permit.

* * * * *

9. *Religious Institutions.*

a. The ground area occupied by the principal and accessory buildings shall not exceed thirty-five (35) percent of the total area of the lot.

b. Space for off-street parking shall be provided as per section 14-03-10 hereof or as the City Planning and Zoning Commission may require.

c. No application for a building permit or certificate of occupancy in any zone shall be approved unless there is included with the plan for such building a plot plan showing the open space designated as being reserved for off-street parking purposes to be provided in connection with such building and no certificate of occupancy shall be issued unless the required facilities have been provided in accordance with those shown on the approved plan.

d. A columbarium is allowed as an accessory use to a ~~church~~ religious institution provided it is included within the principal structure.

e. At least thirty-five (35) percent of the parcel shall be maintained as landscaped open space.

* * * * *

Section 17. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 18. Effective Date. This ordinance shall take effect following final passage, adoption and publication.

**BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
February 26, 2014**

The Bismarck Planning & Zoning Commission met on February 26, 2014 at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Chairman Yeager presided.

Commissioners present were Tom Atkinson, Mel Bullinger, Mike Donahue, Vernon Laning, Doug Lee, Mike Schwartz, Lisa Waldoch, John Warford and Wayne Yeager.

Commissioners Mark Armstrong and Ken Selzler were absent.

Staff members present were Carl Hokenstad – Community Development Director, Kim Lee – Planning Manager, Jason Tomanek – Planner, Jenny Wollmuth – Planner, Hilary Balzum – Community Development Office Assistant, Jason Hammes – Assistant City Attorney and Charlie Whitman – City Attorney.

MINUTES

Chairman Yeager called for consideration of the minutes of the January 22, 2014 meeting.

MOTION: Commissioner Lee made a motion to approve the minutes of the January 22, 2014 meeting as received. Commissioner Schwartz seconded the motion and it was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Schwartz, Waldoch, Warford and Yeager voting in favor of the motion.

CONSIDERATION

- A. DAYBREAK ADDITION –
ZONING CHANGE AND PRELIMINARY PLAT**
- B. SARA'S SUBDIVISION –
PRELIMINARY PLAT**
- C. KILBER NORTH 2ND ADDITION FIRST REPLAT –
ZONING CHANGE**
- D. SECTION 2, FORT RICE TOWNSHIP –
FRINGE AREA ROAD MASTER PLAN AMENDMENT**
- E. PART OF KMK ESTATES AND GELOFF ESTATES –
ZONING CHANGE**
- F. RM DISTRICT/SINGLE FAMILY PROVISIONS –
ZONING ORDINANCE TEXT AMENDMENT**
- G. RM & RT DISTRICTS/ROW HOUSES –
ZONING ORDINANCE TEXT AMENDMENT**
- H. RELIGIOUS INSTITUTIONS –
ZONING ORDINANCE TEXT AMENDMENT**

Chairman Yeager called for consideration of the following consent agenda items:

- A. Daybreak Addition – Zoning Change and Preliminary Plat
- B. Sara's Subdivision – Preliminary Plat
- C. Kilber North 2nd Addition First Replat – Zoning Change
- D. Section 2, Fort Rice Township – Fringe Area Road Master Plan Amendment
- E. Part of KMK Estates and Geloff Estates – Zoning Change
- F. RM District/Single Family Provisions – Zoning Ordinance Text Amendment
- G. RM & RT Districts/Row Houses – Zoning Ordinance Text Amendment
- H. Religious Institutions – Zoning Ordinance Text Amendment

MOTION: Commissioner Schwartz made a motion to approve consent agenda items A, B, C, D, E, F, G and H, granting tentative approval and/or calling for public hearings on the items as recommended by staff. Commissioner Waldoch seconded the motion and it was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Schwartz, Waldoch, Warford and Yeager voting in favor of the motion.

FINAL CONSIDERATION – ANNEXATION – GELOFF ESTATES ADDITION

Chairman Yeager called for final consideration of the annexation of Geloff Estates Addition. The proposed property is located along the south side of Colt Avenue west of North Washington Street (A replat of part of Lot 5, Block 2, KMK Estates 2nd Subdivision).

Ms. Lee provided an overview of the request, including the following findings:

1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation.
2. The proposed annexation would not adversely affect property in the vicinity.
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance.
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice.

Ms. Lee stated that based on these findings, staff recommends approval of the annexation of Geloff Estates Addition, with the understanding that the lots remain combined as one parcel until the property is rezoned to R5-Residential.

MOTION: Based on the findings contained in the staff report, Commissioner Laning made a motion to approve the annexation of Geloff Estate Addition with the understanding that the lots remain combined as one parcel until the property is rezoned to R5-Residential. Commissioner Warford seconded the motion and it

was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Schwartz, Waldoch, Warford and Yeager voting in favor of the motion.

**PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT –
KILBER NORTH 2ND ADDITION FIRST REPLAT**

Chairman Yeager called for the public hearing on the minor subdivision final plat for Kilber North 2nd Addition First Replat. The proposed plat is 16 lots in one block on 2.72 acres and is located in north Bismarck along the east side of Normandy Street and south of 43rd Avenue NE (a replat of Lots 2-7, Block 2, Kilber North 2nd Addition).

Mr. Tomanek provided an overview of the request, including the following findings:

1. All technical requirements for approval of a minor subdivision final plat have been met.
2. The storm water management plan has been approved by the City Engineer.
3. The property is already annexed; therefore, the proposed subdivision would not place an undue burden on public services and facilities.
4. A request for a zoning change for the proposed subdivision has been submitted. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include developing single and two-family residential to the west and south and office uses to the north and east.
5. The proposed subdivision would not adversely affect property in the vicinity.
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
7. The proposed subdivision is consistent the master plan, other adopted plans, policies and accepted planning practice.

Mr. Tomanek said based on these findings, staff recommends approval of the minor subdivision final plat for Kilber North 2nd Addition First Replat, with the following condition:

1. Development of the site is limited to twin homes, as proposed.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Schwartz made a motion to approve the minor subdivision final plat for Kilber North 2nd

Addition First Replat, with the condition that development of the site is limited to twin homes, as proposed. Commissioner Atkinson seconded the motion and it was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Schwartz, Waldoch, Warford and Yeager voting in favor of the motion.

PUBLIC HEARING – FINAL PLAT – AIRWAY AVENUE ADDITION

Chairman Yeager called for the public hearing on the final plat for Airway Avenue Addition. The proposed plat is 11 lots in one block on 20.00 acres and is located in southeast Bismarck, along the north side of Airway Avenue and the west side of South 26th Street (the S1/2 of the SE1/4 of the NE1/4 of Section 10, T138N-R80W/Lincoln Township).

Mr. Tomanek then provided an overview of the request and the following findings:

1. All technical requirements for consideration of the final plat have been met.
2. The storm water management plan has been approved by the City Engineer.
3. The proposed subdivision conforms to the Fringe Area Road Master Plan, which identifies Airway Avenue as the east-west collector roadway for this section.
4. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include industrial uses to the north and west; undeveloped land to the east which is zoned MA - Industrial and the Airport to the south.
5. The proposed subdivision would not adversely affect the adjacent properties.
6. The City and other agencies would be able to provide necessary public services, facilities, and programs to serve the development allowed by the proposed subdivision at the time the property is developed, provided access via urban section roadways are required prior to development of lots within the development.
7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.

Mr. Tomanek said based on these findings, staff recommends approval of the final plat for Airway Avenue Addition with the understanding that individual lots will not be developable until access via a paved roadway is provided and all adjacent roadways are improved to City urban section roadway standards or are under contract for such improvement.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to approve the final plat for Airway Avenue Addition, with the understanding that individual lots will not be developable until access via a paved roadway is provided and all adjacent roadways are improved to City urban section roadway standards or are under contract for such improvement. Commissioner Laning seconded the motion and it was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Schwartz, Waldoch, Warford and Yeager voting in favor of the motion.

**PUBLIC HEARING – ZONING CHANGE –
PART OF LOT 4, BLOCK 1, BOUTROUS 2ND ADDITION**

Chairman Yeager called for the public hearing for a zoning change from the A-Agriculture zoning district to the CG-Commercial zoning district for the South 59 feet of the East 151 feet of Lot 4, Block 1, Boutrous 2nd Addition. The property is located in north Bismarck, north of East Interstate Avenue between State Street and North 19th Street.

Ms. Wollmuth provided an overview of the request, including the following findings:

1. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include existing commercial uses to the west and south across East Interstate Avenue, an extension of Basin Electric property to the east and an undeveloped agriculturally zoned property to the north.
2. The property is already annexed; therefore, the proposed zoning change would not place an undue burden on public services.
3. The proposed zoning change would not adversely affect property in the vicinity.
4. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
5. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Ms. Wollmuth said based on these findings, staff recommends approval of the zoning change from the A – Agriculture zoning district to the CG – Commercial zoning districts on the South 59 feet of the East 151 feet of Lot 4, Block 1, Boutrous 2nd Addition.

Chairman Yeager opened the public hearing.

Clark Bormann said he is an attorney representing the owner, Jerry Brekke. Mr. Bormann stated on behalf of Mr. Brekke, he wanted to say how much his client would appreciate the acceptance of the staff recommendation to approve this request.

Commissioner Laning asked if it is known yet what the property will be used for. Mr. Bormann said that an expansion of the parking lot for Grand Theatres has already been constructed.

There being no further comments, Chairman Yeager closed the public hearing.

MOTION: Commissioner Warford made a motion to approve the zoning change from the A-Agriculture zoning district to the CG-Commercial zoning district for the South 59 feet of the East 151 feet of Lot 4, Block 1, Boutrous 2nd Addition. Commissioner Waldoch seconded the motion and it was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Schwartz, Waldoch, Warford and Yeager voting in favor of the motion.

**PUBLIC HEARING – SPECIAL USE PERMIT –
LOT 1, BLOCK 2, SUNRISE TOWN CENTRE**

Chairman Yeager called for the public hearing for a special use permit for a drive-through window in conjunction with a financial institution located within Dan's SuperMARKET to be located on Lot 1, Block 2, Sunrise Town Centre Addition. The property is located in northeast Bismarck, east of Centennial Road in the southeast quadrant of the intersection of Yorktown Drive and Saratoga Avenue.

Ms. Wollmuth provided an overview of the request, including the following findings:

1. A financial institution with a drive-through window is allowed as a special use in the CG – Commercial zoning district, provided specific conditions are met. The proposed drive-through window meets all six provisions outlined in Section 14-03-08(4)(g) and meets the required vehicle stacking outlined in Section 14-03-10(2) of the City Code of Ordinances (Zoning). The proposed special use would not adversely affect the public health, safety and general welfare.
2. The proposed special use would not be detrimental to the use or development of adjacent properties.
3. The use would be designed, operated and maintained in a manner that is compatible with the appearance of the existing character of the surrounding area.
4. Adequate public facilities and services are in place.
5. This use would not cause a negative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity.
6. Adequate measures have been taken to minimize traffic congestion in the public streets and provide for appropriate on-site circulation of traffic. In particular, adequate off-street parking would be provided and stacking areas are located on private property away from Greensboro Drive.

Ms. Wollmuth said based on these findings, staff recommends approval of a special use permit to allow a drive-through window in conjunction with a financial institution located within Dan's SuperMARKET on Lot 2, Block 1, Sunrise Town Centre Addition, with the following conditions:

1. The construction and operation of a drive-through must meet all applicable requirements for such a use in the CG- Commercial zoning district.
2. Development of the site must generally conform to the site plan submitted with the application.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Laning made a motion to approve the special use permit for a drive-through window in conjunction with a financial institution located within Dan's SuperMARKET to be located on Lot 1, Block 2, Sunrise Town Centre Addition: 1) The construction and operation of the drive-through window must meet all applicable requirements for such a use in the CG – Commercial zoning district; and 2) Development of the site must generally conform to the site plan submitted with the application. Commissioner Lee seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Schwartz, Waldoch, Warford and Yeager voting in favor of the motion.

PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT – OFF-STREET PARKING AND LOADING/JOINT USE OF PARKING

Chairman Yeager called for the public hearing for a zoning ordinance text amendment relating to Off-street Parking and Loading/Joint Use of Parking. The proposed ordinance would allow for multi-tenant shopping centers, having a minimum of 30,000 square feet of leasable area and a minimum of five tenants, to have a lower ratio to calculate required off street parking spaces. Ms. Lee stated that many patrons of shopping centers visit more than one shop during their stop and it makes sense to have a lower parking ratio and allow for the joint use of parking.

Chairman Yeager opened the public hearing.

Dave Patience said the owners of Kirkwood Mall asked for some research to be done on this concept and said they fully support this change.

Ms. Lee stated that due to a publication error for the public hearing, staff is recommending that this request be continued to the March 26th meeting of the Planning & Zoning Commission.

There being no further comments, Chairman Yeager closed the public hearing.

MOTION: Commissioner Warford made a motion to continue the zoning ordinance text amendment relating to Off-street Parking and Loading/Joint Use of Parking to the March 26th meeting of the Planning & Zoning Commission. Commissioner Atkinson seconded the motion and it was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Schwartz, Waldoch, Warford and Yeager voting in favor of the motion.

PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT – APPEAL PROCEDURES

Chairman Yeager called for the public hearing for a zoning ordinance text amendment relating to Appeal Procedures. The proposed ordinance would clarify procedures for an appeal of a decision made by the Bismarck Planning and Zoning Commission or the Board of Adjustment to the Board of City Commissioners.

Chairman Yeager opened the public hearing.

Bob Snyder submitted his comments regarding the appeal process, which are attached as Exhibit A. Mr. Snyder stated that he has always been very critical of government in general but his support lately has been for what the local government of the City is doing now in relation to the proposed zoning ordinance text amendment. He said Ms. Lee and Mr. Whitman, City Attorney, have redefined the relationship between the Planning and Zoning Commission and the City Commission. He went on to say that it seems this major rewrite happened to come about because of the cause and effect due to the knock-down, drag out brawl known as the 'Baptist Home Rezoning' case.

Mr. Snyder reviewed the history of the Ruth Meiers request for a zoning change and the resulting appeal and expressed his dissatisfaction with that process. He went on to say he attended the public hearing on the requested zoning change for the former Baptist Home that was held on November 20, 2013, and he did not like what he saw. He added that the initial appeal to the City Commission was not completed correctly as the appeal request was not submitted by an authorized person and it was not submitted to the appropriate department. Because the process defined in City Code was not followed, he believes the entire hearing at the City Commission on December 17th was illegal and in violation of the City's own procedure.

Mr. Snyder then said there is no reason for somebody to serve on a board where the City Commission on a whim can ignore what the Planning and Zoning Commission has recommended. He said he would like to add an eighth suggestion to the list he had originally submitted which says any vote held at City Commission should be held publicly. He

concluded by stating the proposed changes are common sense and the Planning and Zoning Commission will support a rewrite that will require people to do the right thing. Ms. Lee stated that due to a publication error for the public hearing, staff is recommending that this request be continued to the March 26th meeting of the Planning & Zoning Commission.

There being no further comments, Chairman Yeager closed the public hearing.

MOTION: Commissioner Warford made a motion to continue the zoning ordinance text amendment relating to Appeal Procedures to the March 26th meeting of the Planning & Zoning Commission. Commissioner Laning seconded the motion and it was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Schwartz, Waldoch, Warford and Yeager voting in favor of the motion.

PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT – LANDSCAPING AND SCREENING

Chairman Yeager called for the continued public hearing for a zoning ordinance text amendment relating to Landscaping and Screening. The proposed ordinance would clarify the requirements of the landscaping and screening ordinance relating to installation, maintenance, replacement, inspection and enforcement.

Mr. Tomanek explained that this item was continued from the January 22nd meeting to allow time for staff to better define some of the gray areas. He said he has spoken with Mr. Whitman as well as the City Forester, Jackson Bird, and they have determined to reconsider options for the enforcement of the Landscaping and Screening requirements. Mr. Tomanek noted that Planning Staff will research options for bonds or cashier's checks in the amount of the required landscaping in an effort to encourage compliance with the ordinance requirements. Mr. Tomanek closed by saying he has plans to rework the concept to include more financial information such as the requirement of bonds and acceptance of cashier's checks. He said he would like to continue this item to the March 26th meeting in order to allow time for more research to be done on these items.

Commissioner Laning asked if one month will be enough or if staff would like more time. Mr. Tomanek said they are trying to have this finalized prior to the busy landscaping season that is coming, but it will get done in one month if needed or two months if that is what is granted.

Commissioner Lee asked if when this is approved, if prior work done will fall under the old rules or if all of the previous landscaping work will have to be redone. Mr. Tomanek said this would not apply to anything done previously; it would only be applicable to new site plans going forward.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Commissioner Laning made a motion to table the zoning ordinance text amendment relating to Landscaping & Screening to a future meeting of the Planning & Zoning Commission. Commissioner Atkinson seconded the motion and it was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Schwartz, Waldoch, Warford and Yeager voting in favor of the motion.

OTHER BUSINESS

Mr. Patience spoke in regards to the public hearing that was held on January 22nd for a zoning change from the PUD-Planned Unit Development zoning district to the RM15-Residential zoning district on Lots 1-2, Block 1, Hamilton's First Addition. The recommendation for that action included restrictions that were not agreed on by the developer and which were subsequently protested at the City Commission meeting of February 11th. The City Commission sent this item back to the Planning and Zoning Commission to reconsider the restrictions and allow the developer to plead his case that he cannot make use of the project with the proposed restrictions in place. He requested that the Planning and Zoning Commission call for another public hearing on this item for their next meeting on March 26th.

MOTION: Commissioner Warford made a motion to call for another public hearing on the zoning change from the PUD-Planned Unit Development zoning district to the RM15-Residential zoning district on Lots 1-2, Block 1, Hamilton's First Addition at the March 26th meeting of the Planning & Zoning Commission. Commissioner Waldoch seconded the motion and it was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Schwartz, Waldoch, Warford and Yeager voting in favor of the motion.

ADJOURNMENT

There being no further business, Chairman Yeager declared the Bismarck Planning & Zoning Commission adjourned at 6:15 p.m. to meet again on February 26, 2014.

Respectfully submitted,

Hilary Balzum
Recording Secretary

Wayne Lee Yeager
Chairman

The following are constructive suggestions to improve the pending rewrite of City Ordinance Sec. 14-01-06. They are relatively minor, because, in my opinion, whoever did the rewrite did an excellent job.

1. Under the current ordinance, all witnesses who testify at the appeal hearing before the city commission as to facts must be placed under oath. In the rewrite, no one is placed under oath at any stage. I suggest that this body be given discretion to place witnesses under oath. This power should be used sparingly, and only when this body collectively believes someone is attempting to pull a fast one.
2. Because this body, under the rewrite, is in effect a trial court, and the city commission is the appellate court, reviewing the record of this body, I suggest that this body should be required to issue a written decision, which is the final decision of this body. I believe that it is important for this body to provide the city commission with as complete a record as possible.
3. The rewrite allows the "aggrieved applicant" or an agent, to file the notice of appeal. This is somewhat ambiguous. If a notice of appeal is filed by agent, a requirement should be added that such a notice also be accompanied by a document stating the authority for the agent to do so.
4. Under both the existing ordinance and the rewrite there is no requirement that the appeal hearing be publicly noticed, because it is not a public hearing; one has to hunt around to see what's happening. Under the rewrite, the notice of appeal can be filed in both the city administrator's office and the office of community development, making it even harder. I suggest that the appeal hearing before the city commission be publicly noticed, in the usual manner, by publication in the Tribune, affording those supporting or disputing the decision by this body time to prepare for the hearing. In a similar vein, I suggest that a time limit be set for the filing of documents (which under the rewrite will probably mostly consist of legal briefs). I suggest 5 days. This will prevent the city commission and its staff from being blindsided by documents filed at the last minute, and give them time to prepare.
5. There are several references to a "Zoning Administrator." I'm not aware that such a position even exists, and it should be defined. Similarly, there are several references to the "secretary" of both this body and the city commission. I don't know who these people are and they should be defined as well.
6. If the proposed rewrite to 14-01-06 is enacted, the city commission will become a true quasi-judicial appellate body. As such, there must be a standard of review for the notice of appeal. In my Dec. 10 filing with the city administrator, I wrote exclusively on what standard should apply, and what the consequences of a failure to comply should be. It is the standard used in the courts, and I request that this body review it.
7. This one is the toughest. Under the rewrite, the entities entitled to appeal continue to be exclusive to the aggrieved applicant and certain city entities. I see a lurking equal protection problem here. I refer this body to my Dec. 16 filing with the city administrator. In my opinion, some sort of provision should be included to allow an appeal from a decision by this body approving a zoning change application. I don't have exact language for this, but I believe it should give this body, or the city commission the discretion to determine the legal standing of an entity to appeal an approval.

That's about it. All in all, the rewrite goes a long way to satisfy the criticisms contained in my four filings in the Baptist Home debacle. I believe all four, plus this document, have been submitted to you separately from the agenda packet, but are part of the record.

Respectfully submitted,
Robert J. Snyder

Dec. 10, 2013

HAND DELIVERED

Bill Wocken

Bismarck City Administrator

221 N. 5th. St.

Bismarck, ND

Re: Ruth Meiers Hospitality House/Baptist Home alleged appeal

Mr. Wocken:

This letter is to respond to a certain letter by one Jeffrey J. Ubl, dated, and seemingly filed somewhere in city administration, on Nov. 26, 2013, which purports to appeal the Nov. 20 decision of the Bismarck Planning and Zoning Commission, denying an application by the Ruth Meiers Hospitality House for a rezoning, from RM30 to PUD, of the property currently owned by the Baptist Home

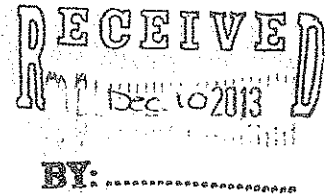
The following comments are based solely upon the four corners of Mr. Ubl's letter itself, and a review of the applicable city ordinances. I submit that this is also the standard, together with the standard of strict compliance with the ordinances, the City Commission must apply in determining whether this so-called appeal is valid.

In the letter, Mr. Ubl identifies himself as an architect, and alleges that the Ruth Meiers Hospitality House is a "client" of his firm. He further states that he is filing an appeal "on behalf" of his architectural client. The letter was apparently delivered not to the City Administrator, but to Carl Hokenstad, the Director of Community Development, giving rise to the question of whether Mr. Hokenstad is an "other designated official" (see City Ordinance Sec. 1-01-20), as mandated by the city ordinance described immediately below.

The procedure to appeal a decision from the Planning and Zoning Commission is set forth in Bismarck City Ordinance Sec. 14-01-06, which reads in pertinent part as follows:

"Any final decision of the city planning and zoning commission may be appealed to the city commission by either the aggrieved applicant or by any officer, department, board or bureau of the city. Notice of the appeal shall be delivered to the city administrator or other designated official within 10 days of the city planning and zoning commission's decision."

This language is clear and unequivocal. It is not a mere suggestion, but mandatory (City Ordinance Sec. 14-02-03). Only an aggrieved applicant (or certain city entities) can perfect the appeal.



Here, the so-called appeal was made not by the applicant, the Ruth Meiers Hospitality House through a duly authorized executive or member of its governing board, but by a self-stated architect who claims to have the applicant as a "client" for purposes not specified, and was delivered to a person who is apparently not authorized to receive it. Mr. Ubl's letter, on its face, fails entirely to satisfy the requirements of City Ordinance Sec. 14-01-06.

In fact, the letter does not even attempt to claim that the author, Mr. Ubl, was authorized by the Ruth Meiers Hospitality House to file any type of legal document, much less a notice of appeal, stating merely that it was being done "on behalf" of Meiers. By that reasoning anyone, licensed to practice law or not, could file any legal document anywhere on behalf of anyone else, which is not only ill-advised, but may, depending on the circumstances, constitute engaging in the unauthorized practice of law, a criminal act (see NDCC Sec. 27-11-01).

Although it may not have risen to the level of engaging in the unauthorized practice of law (that is for the Burleigh County State's Attorney's office to determine), Mr. Ubl's letter clearly demonstrates he had no legal standing whatever to file a notice of appeal in this matter.

Notices of appeal are technical, specific documents. Only if the prospective appellant (here, the Ruth Meiers Hospitality House) follows, to the letter, the mandates of the authority specifying the procedure to appeal (here, City Ordinances Secs. 14-01-06, 1-01-20 and 14-02-03), does the appellate body (here, the Bismarck City Commission) obtain jurisdiction over the substance of the appeal. That is what is known as "perfecting" the appeal. It was not done here, and such a failure is fatal to the attempted appeal.

In summary, there is no valid appeal because, as a matter of law, none was perfected by the applicant, the Ruth Meiers Hospitality House, and therefore the Bismarck City Commission lacks the jurisdiction or power to consider the merits of it. This is a threshold issue, and must be decided before any substantive action is taken by the City Commission on this matter.

If the City Commission decides that there is, as a matter of law, a valid appeal, I request that it states the exact basis for that decision, taking into account the issues raised herein.

Please call this letter to the attention of the members of the City Commission, its appropriate staff, and City Attorney Whitman.

Thank you for your time and attention.



Robert J. Snyder

1009 N. 14th. St.

Bismarck, ND 58501

701.222.8899

Dec. 16, 2013

HAND DELIVERED

Bill Wocken

Bismarck City Administrator

221 N. 5th St.

Bismarck ND

Re: Ruth Meiers Hospitality House/Baptist Home alleged appeal.

Mr. Wocken:

This letter is supplemental to my Dec. 10, 2013, letter to the City Administrator. It is not entirely germane to the pending matter, but is something about which the City of Bismarck must be put on notice as a result of a review of the key city ordinance at the heart of this matter.

City Ordinance Sec. 14-01-06 identifies who has the right to appeal to the Bismarck City Commission from a decision of the Bismarck Planning and Zoning Commission. The entitled parties are exclusive to the "aggrieved applicant" and certain city entities.

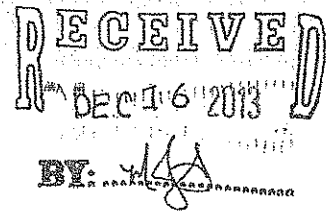
Here, the Planning and Zoning Commission, by a vote of 10-1, denied the application of the Ruth Meiers Hospitality House. Some type of attempt was possibly made to appeal it.

What if the roles were reversed? What if the vote, say a close one of 6-5, approved the application? Would anyone outside of city government have the right under City Ordinance Sec. 14-01-06 to appeal such a decision to the City Commission? No.

Here, there was a clearly-identified opposition entity, the Baptist Home Neighbors. This group participated in this matter prior to the Nov. 20, 2013, Planning and Zoning Commission hearing, at the hearing, both through individual members and legal counsel, Blaine Nordwall, and has participated in the current appeal process, again through Mr. Nordwall. Yet, this entity would not have the same appellate rights as those afforded the Ruth Meiers Hospitality House.

The Fourteenth Amendment to the United States Constitution, and Article 1, Sections 9 and 23, of the North Dakota Constitution, guarantee equal protection under the law. The First Amendment to the United States Constitution, and Article 1, Section 5, of the North Dakota Constitution, guarantee, as a fundamental right, the ability to seek redress of grievances.

In *Gange v. Clerk of Burleigh County District Court*, 429 N.W. 2d., 429,433 (N.D. 1988), an equal protection case, the North Dakota Supreme Court stated that, when facing an issue of an alleged violation of a fundamental right, the standard for judicial review is one of "strict scrutiny," the highest standard possible, and will be declared such a violation "unless it is shown that the statute promotes a



compelling governmental interest and that the distinctions drawn by the law are necessary to further its purpose." (citations omitted)

In this matter, City Ordinance Sec. 14-01-06 is, in effect, a statute. A fundamental right, the right to appeal, has been granted to one party, while being denied to another. There is no compelling governmental interest for this. In this regard, City Ordinance Sec. 14-01-06 is clearly unconstitutional.

While somewhat collateral, this further illustrates the surreal condition of City Ordinance Sec. 14-01-06, as described in Mr. Nordwall's Dec. 13, 2013, letter to the City Administrator.

Please call this letter to the members of the City Commission, its appropriate staff, and City Attorney Whitman.

Thank you for your time and attention.

A handwritten signature in black ink, appearing to read 'Robert J. Snyder', with a long horizontal stroke extending to the right.

Robert J. Snyder

1009 N. 14th St.

Bismarck, ND 58501

701.222.8899

Charlie Whitman
Bismarck City Attorney

221 N. 5th St.

Bismarck, ND

Via email

Re: Ruth Meirs/Baptist home appeal hearing

Charlie:

This letter is in response to the Dec. 17, City Commission hearing. It is being sent solely on my behalf, and does not represent the views of anyone else. In fact, I have never stated that I represent anyone else in these proceedings, and have never stated that I am an attorney.

It is clear to me that the City Commission does not understand its role as the appellate body in a quasi-judicial proceeding, which yesterday's meeting was, as a being a direct appeal to the City Commission from the Planning and Zoning Commission's decision to deny the Ruth Meiers Hospitality House's application. If the City Commission did understand that role, it would have followed the mandates of City Ordinance Sec. 14-01-06, both in regards to the validity of the notice of appeal, which establishes the City Commission's jurisdiction regarding the appeal, and the conduct of the meeting. The only alternative is that the City Commission deliberately chose to ignore the mandates of the ordinance, the substance of which was presented to the City Commission well in advance of the Dec. 17 meeting.

All citizens have the right to consult with legal counsel. This is particularly critical when the proceeding involves semi-complex issues of law, such as an appeal.

Of concern is the conduct of Commissioner Seminary at the hearing. He was openly hostile to me, who did not appear at an attorney, and Blaine Nordwall in particular, who did. He was scornful of the appearance of any attorney at this meeting, and publicly berated Mr. Nordwall for being there at all.

Of even more concern is the conduct of Mayor Warford. The Mayor, in his role as a member of the Planning and Zoning Commission, voted, on Nov. 20, to deny the application of the Ruth Meiers Hospitality House, at which Mr. Nordwall both appeared and spoke. Yet, at the Dec. 17 City Commission meeting, he lamented that the neighbors had "lawyered up," a term that is normally applied to alleged criminals. Mayor Warford then reversed himself, and voted to overrule the Planning and Zoning Commission's decision, of which he was a part.

I consider both Mayor Warford's, and Mr. Seminary's, conduct to be unprofessional, and unworthy of City Commission office. Both owe apologies to me, and especially to Mr. Nordwall, preferably in writing.

Please file this in the appropriate manner.

Sincerely,

Robert J. Snyder

My name is Robert Snyder. I have previously filed two legal memoranda with the city administrator, and appeared and very briefly spoke at the Dec. 17 hearing held by the city commission on whether the Ruth Meiers Hospitality House should be allowed a rezoning of the property commonly called the Baptist Home from its current RM30 classification (residential) to PUD (wide open).

I did so as a person who lives 4 blocks from the Baptist Home. I also deliberately did not identify myself as representing anyone else, and I never stated I am an attorney. I did so, because I believe that every citizen has the right to read the Code of City Ordinances and understand its provisions, without the necessity of hiring an attorney to interpret it, and be allowed to voice any concerns the citizen may have to city government. Sadly, that is not the case. The Code is riddled with ambiguities, and should be extensively rewritten.

I now appear in this matter as Robert J. Snyder, Attorney at Law, representing myself. I have been an attorney for 36 years, concentrating on litigation at all judicial levels. I have not actively practiced for 12 years, but I could step into court tomorrow if I wanted, and in this matter I will if necessary.

I must confess that, in all my years, I have never appeared on the city level; this is my first experience with it. If nothing else has been made clear to me as a result of the current process, it is that the city commission is, to say the least, unwilling to follow its own laws. It also is clear to me that the city commission is hostile to people, such as Blaine Nordwall, counsel for the Baptist Home Neighbors, and me, who did not appear as an attorney, who attempt to point out to its members what the law says. I can only say that, as a result of experiencing what I have, if this is the way the city commission normally conducts its business, every citizen of the city is in real trouble.

In order to understand what has been happening recently, it is necessary to understand the character of the neighborhood being threatened. This neighborhood has been the solid so-called middle class part of town for well over 50 years: the bedrock of the city. Several people of my age whom I know grew up within a few blocks of where I now live, and some of them are now quite prominent.

The neighborhood has been going through a very good transformation recently. Young families are moving in, because the neighborhood affords what passes for affordable housing in the current crazy real estate market. It is the home to the Capitol grounds, several schools, numerous churches, and Hillside Park, in my opinion the best park in the city. It's a nice place to live. The neighborhood has come full circle and is about to become what it was in the 1950's.

There is a great danger all of that will be destroyed if the pending zoning change is allowed to go into effect. This cannot be allowed to happen.

The Baptist Home has been there since 1947, five years before my house was built, and five years before the pool at Hillside was constructed. At the time it was built, there was nothing there but the Capitol grounds. It was built before there were any real zoning regulations, and was grandfathered in.

Since then, it has been a rather innocuous eyesore. Nobody really minded, apart from the fact that the main building looks like a prison more than anything else. If Ruth Meiers gets what it wants, that will drastically change.

Ruth Meiers wants nothing less than to transform that property into one-stop shopping for every transient for miles around, plus installing its' and related agencies' administrative offices there. Ruth Meiers has refused to negotiate with anyone, including the neighborhood. It's their way or the highway. Just the potential parking situation is a nightmare.

However, others can state this better than I. My focus, as an attorney, is to take a good look at whether the law has been followed in attempting this radical change. To repeat a recent quote from U.S. House Speaker John Boehner, "Are you kidding me?"

We have to start with the process of how a zoning change comes about. An application for a change in zoning must, by law, first be filed with the office of the planning and zoning commission. This commission is comprised of the mayor, a county commissioner, and nine lay people, the latter of whom serve without pay. I suggest that all interested people read Chapter 14 of the Code of City Ordinances to see how this works.

Here, an application for rezoning was signed by Jaclyn Bugbee, the executive director of the Ruth Meiers Hospitality House. It was taken under consideration by the planning and zoning commission, including a meeting and a full public hearing on Nov. 20. At the hearing, so many people testified that the number of witnesses was limited by the commission; both sides were afforded a full and fair opportunity to be heard.

At the close of the public hearing, the planning and zoning commission voted 10-1 to deny the application, most likely because the proposed zoning change violates every single one of the standards set forth in City Ordinance Sec. 14-02-01. Among those who voted to deny the application was Mayor Warford.

The public hearing was televised and recorded. I urge anyone with an interest in seeing the hearing to obtain a copy of the recording, likely from the city administrator's office. Anyone can see the Code of City Ordinances on line.

City Ordinance Sec. 14-01-06 is the section specifying the procedure to appeal a decision of the planning and zoning commission to the city commission. For the purposes of this matter, the only entity with the legal standing to appeal was the "aggrieved applicant," the Ruth Meiers Hospitality House.

An appeal document was filed, but not by Ruth Meiers. It was filed by one Jeffrey J. Ubl, a self-stated architect, who claimed to have Ruth Meiers as a "client" for purposes not stated. Mr. Ubl claimed he was filing it "on behalf" of Ruth Meiers, but no authority to do this was ever produced. This document was not filed in the office of the city administrator, as mandated by 14-01-06, but in the office of community development. It could not have been more deficient, as a matter of law, if it had been done deliberately.

On Dec.10, I filed a legal memorandum challenging this purported notice of appeal. Mr. Nordwall, as legal counsel for the Baptist Home Neighbors, filed a similar one three days later. I will not repeat the full content here, and anyone desiring to see them can obtain copies from the city administrator's office. In short, we declared that because this purported notice of appeal was so entirely deficient, the city commission lacked, as a matter of law, the jurisdiction to consider the appeal at all.

Sec. 14-01-06 contains provisions governing the appeal hearing. Among those provisions are that all parties shall be given the right to appear and speak ("parties" is not defined), that all witnesses testifying or offering exhibits through testimony shall be put under oath, and that everyone be given a full and fair opportunity to be heard.

The appeal hearing was held on Dec. 17, and we had to wait for two and a half hours for it to come up on the agenda. The hearing was a fiasco.

It began with a terse announcement that the appeal was valid. This was obviously the result of some sort of back room deal. Only when I pressed the city commission to do so was a public vote taken. None of the issues raised in the two legal memoranda filed by Mr. Nordwall and me was even mentioned. At a bare minimum, Mr. Ubl, the author of the purported appeal, and Ms. Bugbee, the executive director of Ruth Meiers, should have been required to appear and explain how they managed to get the purported notice of appeal wrong in every way possible. That was not done, and one must wonder why.

When it came time for witnesses, I asked that all fact witnesses be placed under oath, as mandated by Sec. 14-01-06. The city commission seemed confused by this request. A very strange discussion ensued, and at the end of it the city commission announced that one witness from each side would testify, not under oath, as long as the testimony before the planning and zoning commission was not rehashed, and no new evidence was presented.

Ms. Bugbee, on behalf of Ruth Meiers spoke first, for about 20 uninterrupted minutes, including the use of exhibits and power-point. In so doing she entirely violated the rules just set by the city commission, and not a single city commissioner objected.

Mr. Nordwall then rose to speak on behalf of the Baptist Home Neighbors. Before he could say a single word, Commissioner Seminary, seconded by Commissioner Axvig, moved to set a hearing. Mayor Warford had to remind them twice that doing this violated the just-set rule established by the city commission.

When Mr. Nordwall was finally allowed to speak, he was savaged by Mr. Seminary to the point that he was not allowed to say anything at all. I consider Mr. Seminary's performance appalling and unworthy of city commission office.

So much for a full and fair opportunity to be heard. Calling this a kangaroo court would be an insult to the kangaroo. Something is very wrong here. I urge everyone to view the recording of that hearing.

At the end of the hearing, the city is faced with a public record that consists of a purported notice of appeal that violated every requirement of City Ordinance Sec. 14-01-06; two separate legal challenges

to it; a back room deal that ignored both challenges; a refusal to require those responsible for the notice to explain it; illegal testimony by Ms. Bugbee; a suppression of Mr. Nordwall's right to speak, and nothing else at all. In my legal opinion, a judge will not be impressed.

At the end of the hearing everyone, including me, was confused. Another hearing had been set, but on what? Was it to be a hearing on the purported appeal again, or something else?

That became clear when the city commission issued its written decision on Dec. 18, less than a day after the hearing, and it is four full pages long. I will not get into it point by point, but I do have some comments about it.

First, while it appears to be a very thorough analysis, when you remove the extraneous verbiage, all it really says is that that it overrules the decision of the planning and zoning commission, and sets a public hearing, probably on Jan. 14, 2014. This hearing will be the final stage of the process of enacting the zoning change ordinance into law.

Second, given the time span between the end of the appeal hearing and the issuance of the decision, the author has near-superhuman talents, or it was written before the hearing even started.

Third, the decision was signed by Mayor Warford, the same person who, in his role as a member of the planning and zoning commission, voted to deny Ruth Meiers' application for a zoning change. He reversed himself, with no new evidence to support it. No vote by the commission was apparently taken, certainly not a public one.

Fourth, the decision gives no weight whatever to the hard work put in by the planning and zoning commission, and its 10-1 vote. If I was a member of the planning and zoning commission I would not be pleased with that at all.

Fifth, it does not establish a standard in determining the validity of a notice of appeal, despite my specific request in my Dec. 10 filing that it do so. It merely stated that the commission "finds the notice of appeal to be adequate and effective for the purposes of this appeal," without explaining why.

Sixth, the decision mixes up the Preamble, the Findings of Fact, and the Conclusions of Law, to the point where, in my legal opinion, it is difficult to tell what is what. In my opinion, a judge will not be impressed by this either.

It may be argued that I'm dealing in mere technicalities. What some others may consider technicalities, I, as an attorney, consider following the law controlling the conduct of city government.

A miscarriage of justice is going on here on such a scale that every citizen of this city should be alarmed.

Hand delivered this 31st day of December, 2013.

Robert J. Snyder

Attorney at law—pro se

1009 N. 14th St.

Bismarck, ND 58501

222.8899

Permit Type	***** City *****		***** DATE SELECTION *****		***** ETA *****	
	2/2014 Permits	Valuation	2/2014 Permits	Valuation	2/2014 Permits	2/2013 Valuation
SINGLE FAMILY DETACHED	7	1,420,302.43	14	2,646,626.25	0	.00
SINGLE FAMILY ATTACHED	0	.00	6	798,372.00	0	.00
TWO UNIT	0	.00	0	.00	0	.00
THREE & FOUR FAMILY	0	.00	0	.00	0	.00
FIVE & MORE FAMILY	3	10,200,000.00	0	.00	0	.00
CONDO/TOWNHOUSE-1 HR.WALL	0	.00	0	.00	0	.00
MANUFACTURED HOMES	1	.00	2	.00	0	.00
MOBILE HOME WITHOUT EXTRA	0	.00	0	.00	0	.00
MOBILE HOME WITH EXTRAS	0	.00	0	.00	0	.00
MOBILE HOME MISCELLANEOUS	0	.00	0	.00	0	.00
HOTELS	0	.00	0	.00	0	.00
MOTELS	0	.00	1	1,305,000.00	0	.00
GROUP QUARTERS	0	.00	0	.00	0	.00
NON-STRUCTURAL DEVELOPMEN	0	.00	2	3,865,000.00	0	.00
AMUSEMENT & RECREATION	1	1,702,320.00	0	.00	0	.00
CHURCHES AND RELIGIOUS	0	.00	0	.00	0	.00
INDUSTRIAL	3	4,039,250.00	0	.00	0	.00
RESEARCH & DEVELOPMENT	0	.00	0	.00	0	.00
AUTO SERVICE AND REPAIR	0	.00	0	.00	0	.00
HOSPITALS & INSTITUTIONAL	0	.00	0	.00	0	.00
OFFICE, BANK & PROFESSION	2	760,000.00	0	.00	0	.00
SCHOOLS AND EDUCATIONAL	0	.00	0	.00	0	.00
COMM (RETAIL SALES)	1	46,300.00	0	.00	0	.00
OTHER (PUBLIC PARKING GAR	0	.00	0	.00	0	.00
OTHER STRUCTURES	2	4,280,050.00	0	.00	0	.00
PUBLIC BUILDING	0	.00	0	.00	0	.00
ROOM ADDITIONS	0	.00	1	20,000.00	0	.00
RESIDENTIAL GARAGES	1	4,959.00	1	10,752.00	0	.00
PATIOS AND COVERS	1	.00	1	4,200.00	0	.00
SWIMMING POOLS AND SPAS	0	.00	0	.00	0	.00
OTHER	4	2,500.00	8	54,600.00	1	40,920.00
HOME OCCUPATIONS	1	.00	2	.00	0	.00
STORAGE SHEDS	0	.00	0	.00	0	.00
BASEMENT FINISH	10	45,186.25	19	113,927.00	3	15,090.75
INDUSTRIAL BUILDINGS	2	6,008,613.00	4	988,670.00	0	.00
COMMERCIAL BUILDINGS	3	455,773.00	3	118,505.00	1	8,200.00

BIP140-1 3/05/2014

PERMIT ACTIVITY REPORT - MTD

Permit Type	DATE SELECTION 2/2014				DATE SELECTION 2/2014			
	Permits	2/2014 Valuation	City	Permits	2/2014 Valuation	ETA	Permits	2/2013 Valuation
OFFICE & PROFESSIONAL BLD	3	102,154.00	1	50,000.00	0	.00	0	.00
OTHER	5	43,290.00	2	130,030.00	0	.00	0	.00
ALTER PUBLIC	2	120,775.00	0	.00	0	.00	0	.00
APTS TO CONDO	0	.00	0	.00	0	.00	0	.00
TO/FROM RESIDENTIAL	0	.00	0	.00	0	.00	0	.00
RESIDENTIAL	0	.00	1	.00	0	.00	0	.00
OTHER	0	.00	0	.00	0	.00	0	.00
CHRISTMAS TREE SALES	0	.00	0	.00	0	.00	0	.00
FIREWORKS SALES	0	.00	0	.00	0	.00	0	.00
NURSERY STOCK SALES	0	.00	0	.00	0	.00	0	.00
TEMPORARY STRUCTURE PERMI	0	.00	0	.00	0	.00	0	.00
CIRCUS/CARNIVAL	0	.00	0	.00	0	.00	0	.00
MOVE OUT OF PMT LOCATION	0	.00	0	.00	0	.00	0	.00
MOVE INTO PERMIT LOCATION	0	.00	0	.00	0	.00	0	.00
MOVE WITHIN PMT LOCATION	0	.00	0	.00	0	.00	0	.00
NEW SIGN PERMIT	10	126,060.11	4	45,495.00	0	.00	0	.00
SIGN ALTERATION	0	.00	1	57,485.00	0	.00	0	.00
ELECTRONIC MESSAGE CENTER	1	34,711.49	0	.00	0	.00	0	.00
FLOOD RELATED PERMITS	0	.00	0	.00	0	.00	0	.00
Permit Type Total	63	29,392,244.28	73	10,208,662.25	5	64,210.75	16	3,330,433.00

Permit Type	***** City *****		DATE SELECTION 2/2014		***** ETA *****	
	Permits 2/2014	Permits 2/2013	Permits 2/2014	Permits 2/2013	Permits 2/2014	Permits 2/2013
Plumbing	29	32	0	5		
Electrical	141	76	1	0		
Mechanical	144	104	17	27		
Drain Field	0	0	0	2		
Hood Suppression	3	2	0	0		
SprinklerStandpipe	6	3	0	0		
Alarm Detection	3	0	0	0		
Total	326	217	18	34		

Living Units	***** City *****		DATE SELECTION 2/2014		***** ETA *****	
	Units	2/2014	Units	2/2013	Units	2/2013
SINGLE FAMILY DETACHED	7	14	0	0	5	0
SINGLE FAMILY ATTACHED	0	6	0	0	0	0
FIVE & MORE FAMILY	120	0	0	0	0	0
MANUFACTURED HOMES	1	2	0	0	0	0
MOTELS	0	56	0	0	0	0
INDUSTRIAL	15	0	0	0	0	0
OTHER STRUCTURES	0	0	0	0	24	0
ROOM ADDITIONS	0	1	0	0	0	0
PATIOS AND COVERS	1	0	0	0	0	0
BASEMENT FINISH	2	6	0	0	1	1
Total	146	85	0	0	30	30

BIP140-X 3/05/2014		MAJOR PERMIT ACTIVITY OVER \$1,000,000			PAGE 5	
PERMIT LOCATION	PERMIT NUMBER	PROPERTY ADDRESS	DATE SELECTION	OWNERS NAME CONTRACTOR	VALUATION	
CITY OF BISMARCK	2014-0000089	3400 HAMILTON	ST	EMG FINANCIAL INC	1,328,000.00	
CITY OF BISMARCK	2014-0000091	3901 MORRISON	AV	MICHAEL BAUMGARTNER CONSTRUCT	6,000,000.00	
CITY OF BISMARCK	2014-0000093	4202 HAGEN	AV	OLAF ANDERSON		
CITY OF BISMARCK	2014-0000107	2116 E FRONT	AV	BAUMGARTNER, MICHAEL CONST INC	1,193,000.00	
CITY OF BISMARCK	2014-0000108	2821 ROCK ISLAND	PL	MICHAEL BAUMGARTNER CONSTRUCT	1,518,250.00	
CITY OF BISMARCK	2014-0000111	3025 YORKTOWN	DR	KRINGLIE INVESTMENTS		
CITY OF BISMARCK	2014-0000128	3841 KNUDSEN	AV	MISSOURI RIVER CONTRACTING	1,702,320.00	
CITY OF BISMARCK	2014-0000139	3803 KNUDSEN	AV	OLAF ANDERSON CONSTRUCTION LLC	4,194,050.00	
CITY OF BISMARCK	2014-0000140	3900 ALABAMA	ST	NORTHWEST CONTRACTING INC	3,490,000.00	
				NORTHBRIDGE CONSTRUCTION INC	3,400,000.00	
				NORTHBRIDGE CONSTRUCTION INC	3,400,000.00	
				NORTHBRIDGE CONSTRUCTION INC	3,400,000.00	
				NORTHBRIDGE CONSTRUCTION INC		
				NORTHBRIDGE CONSTRUCTION INC		